

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2003

ENROLLED

Committee Substitute for

SENATE BILL NO. *354*

(By Senators *Sprouse, Weeks, Deem, Smith & Boley* **)**

PASSED *March 8, 2003*

In Effect *ninety days from* **Passage**

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OFFICE WEST VIRGINIA
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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 354

(SENATORS SPROUSE, WEEKS, DEEM,
SMITH AND BOLEY, *original sponsors*)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to amend article four, chapter sixty-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section four hundred eleven, relating to creating the offense of operating or attempting to operate a clandestine drug laboratory; defining clandestine drug laboratory; offenses; penalties; and requiring payment for costs of remediation.

Be it enacted by the Legislature of West Virginia:

That article four, chapter sixty-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section four hundred eleven, to read as follows:

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-411. Operating or attempting to operate clandestine drug laboratories; offenses; penalties.

1 (a) Any person who operates or attempts to operate a
2 clandestine drug laboratory is guilty of a felony and, upon
3 conviction, shall be confined in a state correctional facility
4 for not less than two years nor more than ten years or
5 fined not less than five thousand dollars nor more than
6 twenty-five thousand dollars, or both.

7 (b) For purposes of this section, a “clandestine drug
8 laboratory” means any property, real or personal, on or in
9 which a person assembles any chemicals or equipment or
10 combination thereof for the purpose of manufacturing
11 methamphetamine, methylenedioxyamphetamine or
12 lysergic acid diethylamide in violation of the provisions of
13 section four hundred one of this article.

14 (c) Any person convicted of a violation of subsection (a)
15 of this section shall be responsible for all reasonable costs,
16 if any, associated with remediation of the site of the
17 clandestine drug laboratory.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Gregory A. Davis
.....
Chairman Senate Committee

Sharon Spencer
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Russell E. Hobbs
.....
Clerk of the Senate

Gregory A. Davis
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *20th*
Day of *March*, 2003.

Bob Wise
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/17/03

Time 4:35pm