

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Bill 238 would make carrying a firearm while trafficking a controlled substance a third-degree felony.

FISCAL IMPLICATIONS

None

SIGNIFICANT ISSUES

House bill 238 would make a crime to carry a firearm while trafficking a controlled substance means that the trafficking charge would have to be proven first. The carry of firearm while trafficking would have the jury instruction of trafficking in the elements of the crime and then the jury would have the elements of trafficking in a separate jury instruction. This could be confusing to a jury. It would be more reasonable to make it a firearm enhancement that would be given to a jury to determine if a firearm was present after the jury convicted the defendant of trafficking a controlled substance. The enhancement can add three years to the trafficking-controlled substance charge.

AODA in support.

TECHNICAL ISSUES