



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 3623 Introduced on January 12, 2021
Author: Allen
Subject: Early Release for Certain Inmates
Requestor: House Judiciary
RFA Analyst(s): Gardner
Impact Date: April 2, 2021

Fiscal Impact Summary

This bill reduces the time served for inmates convicted of no-parole offenses who have had no substantial or major disciplinary infractions and have substantially completed rehabilitation and re-entry programs. In addition, it modifies the existing penalty structure for a number of drug-related offenses such that the required sentence time is reduced.

The expenditure impact of this bill is pending, contingent upon a response from the Department of Corrections and the Department of Probation, Parole and Pardon Services.

Explanation of Fiscal Impact

Introduced on January 12, 2021

State Expenditure

This bill reduces the time served for inmates convicted of no-parole offenses who have had no substantial or major disciplinary infractions and have substantially completed rehabilitation and re-entry programs. Currently, an inmate convicted of a no-parole offense who has not been sentenced to the death penalty or a term of life imprisonment may be eligible for early release, discharge, or community supervision if he had served at least 85% of the actual term of imprisonment imposed. Under the provisions of the bill, such an inmate who has been convicted of specific drug-related offenses would attain eligibility for early release, discharge, or community supervision when he has served at least 65% of the term of imprisonment imposed. The percentage of time served must be calculated without the application of any earned work, education, or good conduct credits, not including any portion of the sentence which has been suspended.

The bill also modifies the existing penalty structures for a number of drug-related offenses under Section 44-53-370(a)(1)—manufacturing, distributing, dispensing, delivering, purchasing, aiding, abetting, attempting, or conspiring to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to manufacture, distribute, dispense, deliver, or purchase a controlled substance or a controlled substance analogue, and Section 44-53-370(a)(2)—creating, distributing, dispensing, delivering, or purchasing, or aiding, abetting, attempting, or conspiring to create, distribute, dispense, deliver, or purchase, or possess with intent to distribute, dispense, deliver, or purchase a counterfeit substance.

Department of Corrections. The expenditure impact of this bill is pending, contingent upon a response from the department.

Department of Probation, Parole and Pardon Services. The expenditure impact of this bill is pending, contingent upon a response from the department.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

Should this legislation be enacted, the penalty structures for the following drug-related offenses will be modified:

Section 44-53-370(b)(1)		
Schedule I (b) or (c) Controlled Substances which are Narcotic Drugs or Lysergic Acid Diethylamide (LSD) or Schedule II (b) or (c) Controlled Substances which are Narcotic Drugs	Current Penalty	New Penalty
1st Offense	Imprisonment for ≤15 years or fine of ≤\$25,000, or both	Imprisonment for ≤5 years or fine of ≤\$25,000, or both
2nd Offense	Imprisonment for ≥5 nor >30 years or fine of ≤\$50,000, or both	Imprisonment for ≤10 years or fine of ≤\$50,000, or both
3rd or Subsequent Offense	Imprisonment for ≥10 nor >30 years or fine of ≤\$50,000, or both	Imprisonment for ≤15 years or fine of ≤\$50,000, or both

Section 44-53-370(b)(2)		
Any Other Schedule I, II, or III Controlled Substances, or Flunitrazepam or Controlled Substance Analogue	Current Penalty	New Penalty
1st Offense	Imprisonment for ≤5 years or fine of ≤\$5,000, or both	Imprisonment for ≤3 years or fine of ≤\$5,000, or both
2nd Offense	Imprisonment for ≤10 years or fine of ≤\$10,000, or both	Imprisonment for ≤5 years or fine of ≤\$10,000, or both
3rd or Subsequent Offense	Imprisonment for ≥5 nor >20 years or fine of ≤\$20,000, or both	Imprisonment for ≤10 years or fine of ≤\$20,000, or both

Previously, persons whose prior offenses were solely for possession of a controlled substance without a valid prescription who were later convicted of a third or subsequent (felony) offense for violations of Section 44-53-370(b)(1), for a third or subsequent (felony) offense for violations involving a Schedule IV substance except for flunitrazepam, or for a third or subsequent (misdemeanor) offense for violations involving Schedule V substances were not eligible for sentence suspension, probation, parole, supervised furlough, community supervision, work release, work credits, education credits, or good conduct credits. The bill now enables any level of these types of offenses to be eligible for the noted options.

The bill also changes the penalty structure for the following offenses:

Section 44-53-370(d)(1)		
	Current Format	New Format
<i>Unlawful Possession of Schedule I Narcotic Drug or LSD without a Valid Prescription – Felony Offense</i>	2 nd Offense, 3 rd or Subsequent Offense	2 nd or Subsequent Offense (original 2 nd offense penalty retained)

Section 44-53-370(d)(3)		
	Current Format	New Format
<i>Unlawful Possession of Cocaine without a Valid Prescription – Felony Offense</i>	2 nd Offense, 3 rd or Subsequent Offense	2 nd or Subsequent Offense (original 2 nd offense penalty retained)

Section 44-53-370(d)(4)		
Substances Mentioned in §44-53-370(d)(4) which Constitute Prima Facie Guilt for Violation of §44-53-370(a)	Current Unlawful Possession Amount	New Unlawful Possession Amount
Cocaine	1 gram	4 grams
Opium	4 grains	10 grains
Morphine	4 grains	10 grains
Heroin	2 grains	10 grains
Marijuana	28 grams or 1 ounce	10 ounces
Hashish	10 grams	100 grams
LSD or its Compounds	50 micrograms	100 micrograms
Possession of marijuana or hashish (misdemeanor)	28 grams or 1 ounce of marijuana or ≤10 grams of hashish	≤10 ounces of marijuana or ≤28 grams of hashish

The bill also changes the penalty structure for the following felony drug trafficking offenses:

Section 44-53-370(e)(1)		
<i>Trafficking in Marijuana</i>	Current Unlawful Possession Amount	New Unlawful Possession Amount
	<i>10 pounds or more</i>	<i>20 pounds or more</i>
Violations Involving ≥ 20 Pounds but < 200 Pounds (previously for ≥ 10 pounds)	Current Penalty	New Penalty
1st Offense	Imprisonment for ≥ 1 year nor > 10 years, no portion which may be suspended nor probation granted, and fine of \$10,000	Imprisonment for ≤ 10 years and fine of \$10,000
2nd Offense	Imprisonment for ≥ 5 years nor > 20 years, no portion which may be suspended nor probation granted, and fine of \$15,000	Imprisonment for ≤ 15 years and fine of \$15,000
3rd or Subsequent Offense	Mandatory imprisonment for 25 years, no portion which may be suspended nor probation granted, and fine of \$25,000	Imprisonment for ≤ 20 years and fine of \$25,000
Violations Involving ≥ 200 Pounds but $< 1,000$ Pounds or > 100 to $1,000$ Marijuana Plants Regardless of Weight (previously for ≥ 100 pounds but $< 2,000$ pounds, or > 100 to $1,000$ marijuana plants regardless of weight)	Current Penalty	New Penalty
Any Level Offense	Mandatory imprisonment for 25 years, no portion which may be suspended nor probation granted, and fine of \$25,000	Imprisonment for ≤ 15 years and fine of \$25,000
Violations Involving $\geq 1,000$ Pounds or $> 1,000$ Marijuana Plants Regardless of Weight (previously for $\geq 2,000$ pounds but $< 10,000$ pounds or $> 1,000$ marijuana plants but $< 10,000$ marijuana plants regardless of weight)	Current Penalty	New Penalty
Any Level Offense	Mandatory imprisonment for 25 years, no portion which may be suspended nor	Imprisonment for ≤ 20 years and fine of \$50,000

probation granted, and fine of \$50,000
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The bill also deletes prior references to violations marijuana trafficking where the possession amounts are 10,000 pounds or more or 10,000 marijuana plants or more and the associated penalty.

Section 44-53-370(e)(2)		
<i>Trafficking in Cocaine</i>	Current Unlawful Possession Amount	New Unlawful Possession Amount
	<i>≥10 grams</i>	<i>≥28 grams</i>
Violations Involving ≥28 Grams but <100 Grams (previously for ≥10 grams but <28 grams)	Current Penalty	New Penalty
1st Offense	Imprisonment for ≥3 years nor >10 years, no portion which may be suspended nor probation granted, and fine of \$25,000	Imprisonment for ≤10 years and fine of \$25,000
2nd Offense	Imprisonment for ≥5 years nor >30 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤15 years and fine of \$50,000
3rd or Subsequent Offense	Mandatory imprisonment for ≥25 years >30 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤20 years and fine of \$50,000
Violations Involving ≥100 Grams but <400 Grams (previously for ≥28 grams but <100 grams)	Current Penalty	New Penalty
1st Offense	Imprisonment for ≥7 years nor >25 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤15 years and fine of \$50,000
2nd Offense	Imprisonment for ≥7 years nor >30 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤20 years and fine of \$50,000

3rd or Subsequent Offense	Mandatory imprisonment for ≥ 25 years nor > 30 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤ 25 years and fine of \$50,000
Violations Involving > 400 Grams (<i>previously for ≥ 100 grams but < 200 grams</i>)	Current Penalty	New Penalty
Any Level Offense	Mandatory imprisonment for 25 years, no portion which may be suspended nor probation granted, and fine of \$200,000	Imprisonment for ≤ 20 years and fine of \$50,000

The bill also deletes prior references to violations involving cocaine trafficking where the possession amounts involve 200 to more than 400 grams and deletes the associated penalties.

Section 44-53-370(e)(3)		
<i>Trafficking in Illegal Drugs (Morphine, Opium, Salt, Isomer, or Salt of An Isomer, Including Heroin and Any Mixture of Such Substances)</i>		
Violations Involving ≥ 4 Grams but < 14 Grams	Current Penalty	New Penalty
1st Offense	Imprisonment for ≥ 7 years nor > 25 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤ 10 years or fine of $\leq \$50,000$, or both
2nd or Subsequent Offense	Mandatory imprisonment for 25 years, no portion which may be suspended nor probation granted, and fine of \$100,000	Imprisonment for ≤ 15 years and fine of \$100,000
Violations Involving ≥ 14 Grams but < 28 Grams	Current Penalty	New Penalty
Any Level Offense	Mandatory imprisonment for 25 years, no portion which may be suspended nor probation granted, and fine of \$200,000	Imprisonment for ≤ 15 years and fine of \$200,000
Violations Involving > 28 Grams	Current Penalty	New Penalty

Any Level Offense	Mandatory imprisonment for ≥ 25 nor > 40 years, no portion which may be suspended nor probation granted, and fine of \$200,000	Imprisonment for ≤ 20 years or fine of \$200,000, or both
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Section 44-53-370(e)(4)		
<i>Trafficking in Methaqualone</i>		
Violations Involving ≥ 15 Grams but < 150 Grams	Current Penalty	New Penalty
1st Offense	Imprisonment for ≥ 1 year nor > 10 years, no portion which may be suspended nor probation granted, and fine of \$10,000	Imprisonment for ≤ 10 years and fine of \$10,000
2nd or Subsequent Offense	Mandatory imprisonment for 25 years, no portion which may be suspended nor probation granted, and fine of \$25,000	Imprisonment for ≤ 15 years and fine of \$25,000
Violations Involving ≥ 150 Grams but $< 1,500$ Grams	Current Penalty	New Penalty
Any Level Offense	Mandatory imprisonment for 25 years, no portion which may be suspended nor probation granted, and fine of \$25,000	Imprisonment for ≤ 20 years and fine of \$25,000
Violations Involving $> 1,500$ Grams (previously for $\geq 1,500$ grams but less than 15 kilograms)	Current Penalty	New Penalty
Any Level Offense	Mandatory imprisonment for 25 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤ 25 years and fine of \$50,000

The bill also deletes prior references to violations involving methaqualone trafficking where the possession amount involves 15 kilograms or more and deletes the associated penalty.

Section 44-53-370(e)(5)		
<i>Trafficking in LSD</i>		
Violations Involving ≥ 100 Dosage Units or Equivalent Quantity but < 500 Dosage Units or Equivalent Quantity	Current Penalty	New Penalty

1st Offense	Imprisonment for ≥3 year nor >10 years, no portion which may be suspended nor probation granted, and fine of \$25,000	Imprisonment for ≤10 years and fine of \$25,000
2nd Offense	Imprisonment for ≥5 year nor >30 years, no portion which may be suspended nor probation granted, and fine of \$40,000	Imprisonment for ≤15 years and fine of \$40,000
3 rd or Subsequent Offense	Mandatory imprisonment for ≥25 years nor >30 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤20 years and fine of \$50,000
Violations Involving ≥500 Dosage Units or Equivalent Quantity but <1,000 Dosage Units or Equivalent Quantity		
	Current Penalty	New Penalty
1st Offense	Imprisonment for ≥7 year nor >25 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤15 years and fine of \$50,000
2nd Offense	Imprisonment for ≥7 year nor >30 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤20 years and fine of \$50,000
3 rd or Subsequent Offense	Mandatory imprisonment for ≥25 years nor >30 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤20 years and fine of \$50,000

The bill also deletes prior references to violations involving LSD trafficking where the possession amount involves 15 kilograms or more and deletes the associated penalty.

Section 44-53-370(e)(6)		
<i>Trafficking in Flunitrazepam</i>		
Violations Involving ≥ 1 Gram but < 100 Grams	Current Penalty	New Penalty
1st Offense	Imprisonment for ≥ 1 year nor > 10 years, no portion which may be suspended nor probation granted, and fine of \$10,000	Imprisonment for ≤ 10 years or fine of \$10,000
2nd or Subsequent Offense	Mandatory imprisonment for 25 years, no portion which may be suspended nor probation granted, and fine of \$25,000	Imprisonment for ≤ 15 years and fine of \$25,000
Violations Involving ≥ 100 Grams but $< 1,000$ Grams	Current Penalty	New Penalty
Any Level Offense	Mandatory imprisonment for 20 years, no portion which may be suspended nor probation granted, and fine of \$25,000	Imprisonment for ≤ 20 years and fine of \$25,000
Violations Involving 1,000 Grams or More <i>(previously for $\geq 1,000$ grams but < 5 kilograms)</i>	Current Penalty	New Penalty
Any Level Offense	Mandatory imprisonment for 25 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤ 20 years and fine of \$50,000

The bill also deletes prior references to violations involving flunitrazepam trafficking where the possession amount involves 5 kilograms or more and deletes the associated penalty.

Section 44-53-370(e)(7)		
<i>Trafficking in Gamma Hydroxybutyric Acid</i>		
Violations Involving ≥ 50 Milliliters or Milligrams	Current Penalty	New Penalty
1st Offense	Imprisonment for ≥ 1 year nor > 10 years, no portion which may be suspended nor probation granted, and fine of \$10,000	Imprisonment for ≤ 10 years or fine of \$10,000

2nd or Subsequent Offense	Mandatory imprisonment for 25 years, no portion which may be suspended nor probation granted, and fine of \$25,000	Imprisonment for ≤15 years and fine of \$25,000
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A person who has been convicted and sentenced to mandatory imprisonment for trafficking in gamma hydroxybutyric acid may now be eligible for parole, extended work release, or supervised furlough.

Section 44-53-370(e)(8)		
<i>Trafficking in 3, 4-methalenedioxymethamphetamine (MDMA) or Ecstasy</i>	Current Unlawful Possession Amount	New Unlawful Possession Amount
	<i>100 tablets, capsules, dosage units, or equivalent quantity</i>	<i>28 grams or more</i>
Violations Involving ≥28 Grams but <100 Grams <i>(previously for ≥100 dosage units or equivalent quantity but <500 dosage units or equivalent quantity)</i>	Current Penalty	New Penalty
1st Offense	Imprisonment for ≥3 years nor >10 years, no portion which may be suspended nor probation granted, and fine of \$20,000	Imprisonment for ≤10 years or fine of \$20,000
2nd Offense	Imprisonment for ≥5 years nor >30 years, no portion which may be suspended nor probation granted, and fine of \$40,000	Imprisonment for ≤15 years and fine of \$40,000
3 rd or Subsequent Offense	Mandatory imprisonment for ≥25 nor >30 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤20 years and fine of \$50,000
Violations Involving ≥100 Grams but <400 Grams <i>(previously for ≥500 dosage units or equivalent quantity but <1,000 dosage units or equivalent quantity)</i>	Current Penalty	New Penalty
1st Offense	Imprisonment for ≥7 years nor >25 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤15 years and fine of \$50,000

2nd Offense	Imprisonment for ≥7 years nor >30 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤20 years and fine of \$50,000
3 rd or Subsequent Offense	Mandatory imprisonment for ≥25 nor >30 years, no portion which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤25 years and fine of \$50,000
Violations Involving ≥400 Grams (previously for ≥1,000 dosage units or equivalent quantity)	Current Penalty	New Penalty
Any Level Offense	Mandatory imprisonment for 25 years, no portion which may be suspended nor probation granted, and fine of \$100,000	Imprisonment for ≤20 years and fine of \$100,000

The bill also modifies the penalty structures for violations involving the use of controlled substances or LSD in the commission of a violent crime:

Section 44-53-370(g)(1)		
Unlawful Administration, Distribution, Dispensation, Delivery, or Aiding, Abetting, Attempting, or Conspiring to Administer, Distribute, or Deliver a Controlled Substance Classified as a Narcotic Drug in Schedule I (b) or (c) or LSD or Classified as a Narcotic Drug in Schedule II to an Individual with Intent to Commit a Violent Crime	Current Penalty	New Penalty
2 nd Offense, or in the case of a first conviction of an offender under this subsection who has previously been convicted of an offense involving narcotic drugs, marijuana, depressants, stimulants, or hallucinogenic drugs	Imprisonment for ≥5 years nor >30 years or fine of ≤\$50,000, or both	Imprisonment for ≤30 years or fine of \$50,000, or both
3 rd or Subsequent Offense, or if an offender was previously convicted two or more times in the aggregate for offenses involving narcotic drugs, marijuana, depressants, stimulants, or hallucinogenic drugs	Imprisonment for ≥15 years nor >30 years or fine of ≤\$50,000, or both	Imprisonment for ≤30 years or fine of \$50,000, or both

A person who is convicted of a second or subsequent offense under Section 44-53-370(g)(1) may now be eligible to have his sentence suspended or to receive probation.

Section 44-53-370(g)(2)		
Unlawful Administration, Distribution, Dispensation, Delivery, or Aiding, Abetting, Attempting, or Conspiring to Administer, Distribute, or Deliver Gamma Hydroxybutyrate or a Controlled Substance Not Classified in Schedule I or Schedule II as a Narcotic Drug or LSD to an Individual with Intent to Commit a Violent Crime	Current Penalty	New Penalty

3 rd or Subsequent Offense, or if an offender was previously convicted two or more times in the aggregate for offenses involving narcotic drugs, marijuana, depressants, stimulants, or hallucinogenic drugs	Imprisonment for ≥5 years nor >25 years or fine of ≤\$40,000, or both	Imprisonment for ≤25 years or fine of ≤\$40,000, or both
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A person convicted of a second or subsequent offense under Section 44-53-370(g)(2) may now be eligible to have his sentence suspended or to receive probation.

In addition, the bill modifies the penalty schedule for a number of offenses under Section 44-53-375, including the following:

Section 44-53-375(A)		
<i>Possession of Methamphetamine or Cocaine Base (misdemeanor offense)</i>	Current Unlawful Possession Amount	New Unlawful Possession Amount
	<1 gram	<4 grams
Violations Involving <4 Grams (previously for <1 gram)	Current Format	New Format
	2 nd Offense, 3 rd or Subsequent Offense	2 nd or Subsequent Offense (original 2 nd offense penalty retained)

Section 44-53-375(B)		
<i>Manufacture, Distribution, Dispensation, Delivery, Purchase, or Aiding, Abetting, Attempting, or Conspiring to Manufacture, Distribute, Dispense, Deliver, or Purchase, or Possess with Intent to Distribute, Dispense, or Deliver Methamphetamine or Cocaine Base (felony offense)</i>		
Violations Involving <4 Grams (previously for <1 gram)	Current Penalty	New Penalty
1 st Offense	Imprisonment for ≤15 years or fine of ≤\$25,000, or both	Imprisonment for ≤5 years or fine of ≤\$25,000, or both
2 nd Offense	Imprisonment for ≥5 years nor >30 years or fine of ≤\$50,000, or both	Imprisonment for ≤10 years or fine of ≤\$50,000, or both
3 rd or Subsequent Offense	Imprisonment for ≥10 years nor >30 years or fine of ≤\$50,000, or both	Imprisonment for ≤15 years or fine of ≤\$50,000, or both

In addition, the bill changes the amount of methamphetamine or cocaine base in a person's possession that would constitute prima facie evidence of a violation of Section 44-53-375(B) from one or more grams to four or more grams and now allows a person convicted of a third or subsequent offense to have his sentence suspended or to be eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.

The bill also modifies the penalty structure for the following felony offense:

Section 44-53-375(C)

Section 44-53-375(C)		
<i>Trafficking in Methamphetamine or Cocaine Base</i>	Current Unlawful Possession Amount	New Unlawful Possession Amount
	≥ 10 grams	≥ 28 grams
Violations Involving ≥ 28 Grams but < 100 Grams (previously for ≥ 10 grams but < 28 grams)	Current Penalty	New Penalty
1 st Offense	Imprisonment for ≥ 3 years nor > 10 years, no portion of which may be suspended nor probation granted, and fine of \$25,000	Imprisonment for ≤ 10 years and fine of \$25,000
2nd Offense	Imprisonment for ≥ 5 years nor > 30 years, no portion of which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤ 15 years and fine of \$50,000
3rd or Subsequent Offense	Mandatory imprisonment for ≥ 25 years nor > 30 years, no portion of which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤ 20 years and fine of \$50,000
Violations Involving ≥ 100 Grams but < 400 Grams (previously for ≥ 28 grams but < 100 grams)	Current Penalty	New Penalty
1st Offense	Imprisonment for ≥ 7 years nor > 25 years, no portion of which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤ 15 years and fine of \$50,000
2nd Offense	Imprisonment for ≥ 7 years nor > 30 years, no portion of which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤ 20 years and fine of \$50,000
3rd or Subsequent Offense	Mandatory imprisonment for ≥ 25 years nor > 30 years, no portion of which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤ 25 years and fine of \$50,000
Violations Involving ≥ 400 Grams (previously for ≥ 100 grams but < 200 grams)	Current Penalty	New Penalty

Any Level Offense	Mandatory imprisonment for 25 years, no portion of which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤20 years and fine of \$50,000
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In addition, the bill deletes current references to methamphetamine or cocaine base trafficking violations involving 200 to more than 400 grams of methamphetamine or cocaine base and eliminates the prior penalties.

Further, the bill modifies the existing penalty structure for the following felony offense:

Section 44-53-375(E)(1)		
<i>Trafficking in Ephedrine, Pseudoephedrine, or Phenylpropanolamine</i>		
Violations Involving ≥28 Grams but <100 Grams <i>(previously for ≥9 grams but <28 grams)</i>	Current Penalty	New Penalty
1st Offense	Imprisonment for ≤10 years, no portion of which may be suspended nor probation granted, and fine of \$25,000	Imprisonment for ≤10 years and fine of \$25,000
2nd Offense	Imprisonment for ≥5 years nor >30 years, no portion of which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤15 years and fine of \$50,000
3 rd or Subsequent Offense	Mandatory imprisonment for ≥25 years nor >30 years, no portion of which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤20 years and fine of \$50,000
Violations Involving ≥100 Grams but <400 Grams <i>(previously for ≥28 grams but <100 grams)</i>	Current Penalty	New Penalty
1st Offense	Imprisonment for ≥7 years nor >25 years, no portion of which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤15 years and fine of \$50,000
2nd Offense	Imprisonment for ≥7 years nor >30 years, no portion of which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤20 years and fine of \$50,000

3rd or Subsequent Offense	Mandatory imprisonment for ≥ 25 years nor > 30 years, no portion of which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤ 25 years and fine of \$50,000
Violations Involving ≥ 400 Grams (<i>previously for ≥ 100 grams but < 200 grams</i>)	Current Penalty	New Penalty
Any Level Offense	Mandatory imprisonment for 25 years, no portion of which may be suspended nor probation granted, and fine of \$50,000	Imprisonment for ≤ 20 years and fine of \$50,000

The bill also deletes current references to trafficking violations involving 200 to more than 400 grams of ephedrine, pseudoephedrine, or phenylpropanolamine and eliminates the associated penalties.

Additionally, the bill allows a person convicted of trafficking in methamphetamine or cocaine base or trafficking in ephedrine, pseudoephedrine, or phenylpropanolamine to be eligible for parole, extended work release, or supervised furlough.

Frank A. Rainwater, Executive Director