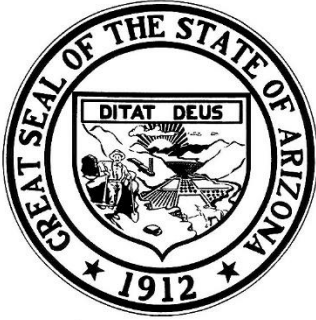


## HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2607**

ADD COW  
Nguyen Floor Amendment

- 
- Specifies that the enhanced sentencing applies to possession of fentanyl for sale or transportation of fentanyl for sale, rather than merely possession of fentanyl.

Amendment explanation prepared by Nathan M  
Phone Number x3646  
nm  
2/26/2025



ADDITIONAL COW  
NGUYEN FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2607  
(Reference to engrossed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 13-3408, Arizona Revised Statutes, is amended to  
3 read:

4 13-3408. Possession, use, administration, acquisition, sale,  
5 manufacture or transportation of narcotic drugs;  
6 classification

7 A. Except as provided in section 36-2850, paragraph 19, subdivision  
8 (b), section 36-2852 and section 36-2853, subsection C, a person shall not  
9 knowingly:

- 10 1. Possess or use a narcotic drug.
- 11 2. Possess a narcotic drug for sale.
- 12 3. Possess equipment or chemicals, or both, for the purpose of  
13 manufacturing a narcotic drug.
- 14 4. Manufacture a narcotic drug.
- 15 5. Administer a narcotic drug to another person.
- 16 6. Obtain or procure the administration of a narcotic drug by  
17 fraud, deceit, misrepresentation or subterfuge.
- 18 7. Transport for sale, import into this state, offer to transport  
19 for sale or import into this state, sell, transfer or offer to sell or  
20 transfer a narcotic drug.

21 B. A person who violates:

- 22 1. Subsection A, paragraph 1 of this section is guilty of a class 4  
23 felony.
- 24 2. Subsection A, paragraph 2 of this section is guilty of a class 2  
25 felony.
- 26 3. Subsection A, paragraph 3 of this section is guilty of a class 3  
27 felony.
- 28 4. Subsection A, paragraph 4 of this section is guilty of a class 2  
29 felony.



1           5. Subsection A, paragraph 5 of this section is guilty of a class 2  
2 felony.

3           6. Subsection A, paragraph 6 of this section is guilty of a class 3  
4 felony.

5           7. Subsection A, paragraph 7 of this section is guilty of a class 2  
6 felony.

7           C. A person who is convicted of a violation of subsection A,  
8 paragraph 1, 3 or 6 of this section and who has not previously been  
9 convicted of any felony or who has not been sentenced pursuant to section  
10 13-703, section 13-704, subsection A, B, C, D or E, section 13-706,  
11 subsection A, section 13-708, subsection D or any other provision of law  
12 making the convicted person ineligible for probation is eligible for  
13 probation.

14           D. If the aggregate amount of narcotic drugs involved in one  
15 offense or all of the offenses that are consolidated for trial equals or  
16 exceeds the statutory threshold amount, a person who is convicted of a  
17 violation of subsection A, paragraph 2, 5 or 7 of this section is not  
18 eligible for suspension of sentence, probation, pardon or release from  
19 confinement on any basis until the person has served the sentence imposed  
20 by the court, the person is eligible for release pursuant to section  
21 41-1604.07 or the sentence is commuted.

22           E. A person who is convicted of a violation of subsection A,  
23 paragraph 4 of this section is not eligible for suspension of sentence,  
24 probation, pardon or release from confinement on any basis until the  
25 person has served the sentence imposed by the court, the person is  
26 eligible for release pursuant to section 41-1604.07 or the sentence is  
27 commuted.

28           F. If the person is convicted of a violation of subsection A,  
29 paragraph 2 or 7 of this section and the violation involves the sale to  
30 another person of fentanyl in an amount of at least two hundred grams, the  
31 person shall be sentenced as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
5 calendar years	10 calendar years	15 calendar years

34           A person who has previously been convicted of a violation of  
35 subsection A, paragraph 2 or 7 of this section involving the sale to  
36 another person of fentanyl in an amount of at least two hundred grams  
37 shall be sentenced as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
10 calendar years	15 calendar years	20 calendar years

40           G. The presumptive term imposed pursuant to subsection F of this  
41 section may be mitigated or aggravated pursuant to section 13-701,  
42 subsections D and E.

43           H. IF THE PERSON IS CONVICTED OF A VIOLATION OF SUBSECTION A,  
44 ~~[PARAGRAPH 1]~~ [PARAGRAPHS 2 AND 7] OF THIS SECTION AND THE VIOLATION  
45 INVOLVES THE POSSESSION OF FENTANYL IN A MOTOR VEHICLE IN AN AMOUNT OF AT  
46 LEAST TWO HUNDRED GRAMS, THE PERSON SHALL BE SENTENCED AS FOLLOWS:

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
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1           5 CALENDAR YEARS           10 CALENDAR YEARS           15 CALENDAR YEARS  
2           A PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF  
3 SUBSECTION A, ~~[PARAGRAPH 1]~~ [PARAGRAPHS 2 AND 7] OF THIS SECTION INVOLVING  
4 THE POSSESSION OF FENTANYL IN A MOTOR VEHICLE IN AN AMOUNT OF AT LEAST TWO  
5 HUNDRED GRAMS SHALL BE SENTENCED AS FOLLOWS:  
6           MINIMUM                           PRESUMPTIVE                           MAXIMUM  
7           10 CALENDAR YEARS           15 CALENDAR YEARS           20 CALENDAR YEARS  
8           I. THE PRESUMPTIVE TERM IMPOSED PURSUANT TO SUBSECTION H OF THIS  
9 SECTION MAY BE MITIGATED OR AGGRAVATED PURSUANT TO SECTION 13-701,  
10 SUBSECTIONS D AND E.  
11           ~~H.~~ J. In addition to any other penalty prescribed by this title,  
12 the court shall order a person who is convicted of a violation of this  
13 section to pay a fine of not less than \$2,000 or three times the value as  
14 determined by the court of the narcotic drugs involved in or giving rise  
15 to the charge, whichever is greater, and not more than the maximum  
16 authorized by chapter 8 of this title. A judge shall not suspend any part  
17 or all of the imposition of any fine required by this subsection.  
18           ~~I.~~ K. A person who is convicted of a violation of this section for  
19 which probation or release before the expiration of the sentence imposed  
20 by the court is authorized is prohibited from using any marijuana,  
21 dangerous drug, narcotic drug or prescription-only drug except as lawfully  
22 administered by a health care practitioner and as a condition of any  
23 probation or release shall be required to submit to drug testing  
24 administered under the supervision of the probation department of the  
25 county or the state department of corrections, as appropriate, during the  
26 duration of the term of probation or before the expiration of the sentence  
27 imposed.  
28           ~~J.~~ L. If a person who is convicted of a violation of this section  
29 is granted probation, the court shall order that as a condition of  
30 probation the person perform not less than three hundred sixty hours of  
31 community restitution with an agency or organization that provides  
32 counseling, rehabilitation or treatment for alcohol or drug abuse, an  
33 agency or organization that provides medical treatment to persons who  
34 abuse controlled substances, an agency or organization that serves persons  
35 who are victims of crime or any other appropriate agency or organization.  
  
36 Enroll and engross to conform  
37 Amend title to conform

QUANG H. NGUYEN

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