

By: Senator(s) Sparks

To: Judiciary, Division B

SENATE BILL NO. 2560

1 AN ACT TO AMEND SECTION 41-29-139, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE PENALTY FOR SIMPLE POSSESSION OF SMALLER AMOUNTS OF  
3 METHAMPHETAMINE; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 41-29-139, Mississippi Code of 1972, is  
6 amended as follows:

7 41-29-139. (a) **Transfer and possession with intent to**  
8 **transfer.** Except as authorized by this article, it is unlawful  
9 for any person knowingly or intentionally:

10 (1) To sell, barter, transfer, manufacture, distribute,  
11 dispense or possess with intent to sell, barter, transfer,  
12 manufacture, distribute or dispense, a controlled substance; or

13 (2) To create, sell, barter, transfer, distribute,  
14 dispense or possess with intent to create, sell, barter, transfer,  
15 distribute or dispense, a counterfeit substance.

16 (b) **Punishment for transfer and possession with intent to**  
17 **transfer.** Except as otherwise provided in Section 41-29-142, any



18 person who violates subsection (a) of this section shall be, if  
19 convicted, sentenced as follows:

20 (1) For controlled substances classified in Schedule I  
21 or II, as set out in Sections 41-29-113 and 41-29-115, other than  
22 marijuana or synthetic cannabinoids:

23 (A) If less than two (2) grams or ten (10) dosage  
24 units, by imprisonment for not more than eight (8) years or a fine  
25 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

26 (B) If two (2) or more grams or ten (10) or more  
27 dosage units, but less than ten (10) grams or twenty (20) dosage  
28 units, by imprisonment for not less than three (3) years nor more  
29 than twenty (20) years or a fine of not more than Two Hundred  
30 Fifty Thousand Dollars (\$250,000.00), or both.

31 (C) If ten (10) or more grams or twenty (20) or  
32 more dosage units, but less than thirty (30) grams or forty (40)  
33 dosage units, by imprisonment for not less than five (5) years nor  
34 more than thirty (30) years or a fine of not more than Five  
35 Hundred Thousand Dollars (\$500,000.00), or both.

36 (2) (A) For marijuana:

37 1. If thirty (30) grams or less, by  
38 imprisonment for not more than three (3) years or a fine of not  
39 more than Three Thousand Dollars (\$3,000.00), or both;

40 2. If more than thirty (30) grams but less  
41 than two hundred fifty (250) grams, by imprisonment for not more



42 than five (5) years or a fine of not more than Five Thousand  
43 Dollars (\$5,000.00), or both;

44 3. If two hundred fifty (250) or more grams  
45 but less than five hundred (500) grams, by imprisonment for not  
46 less than three (3) years nor more than ten (10) years or a fine  
47 of not more than Fifteen Thousand Dollars (\$15,000.00), or both;

48 4. If five hundred (500) or more grams but  
49 less than one (1) kilogram, by imprisonment for not less than five  
50 (5) years nor more than twenty (20) years or a fine of not more  
51 than Twenty Thousand Dollars (\$20,000.00), or both.

52 (B) For synthetic cannabinoids:

53 1. If ten (10) grams or less, by imprisonment  
54 for not more than three (3) years or a fine of not more than Three  
55 Thousand Dollars (\$3,000.00), or both;

56 2. If more than ten (10) grams but less than  
57 twenty (20) grams, by imprisonment for not more than five (5)  
58 years or a fine of not more than Five Thousand Dollars  
59 (\$5,000.00), or both;

60 3. If twenty (20) or more grams but less than  
61 forty (40) grams, by imprisonment for not less than three (3)  
62 years nor more than ten (10) years or a fine of not more than  
63 Fifteen Thousand Dollars (\$15,000.00), or both;

64 4. If forty (40) or more grams but less than  
65 two hundred (200) grams, by imprisonment for not less than five



66 (5) years nor more than twenty (20) years or a fine of not more  
67 than Twenty Thousand Dollars (\$20,000.00), or both.

68 (3) For controlled substances classified in Schedules  
69 III and IV, as set out in Sections 41-29-117 and 41-29-119:

70 (A) If less than two (2) grams or ten (10) dosage  
71 units, by imprisonment for not more than five (5) years or a fine  
72 of not more than Five Thousand Dollars (\$5,000.00), or both;

73 (B) If two (2) or more grams or ten (10) or more  
74 dosage units, but less than ten (10) grams or twenty (20) dosage  
75 units, by imprisonment for not more than eight (8) years or a fine  
76 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

77 (C) If ten (10) or more grams or twenty (20) or  
78 more dosage units, but less than thirty (30) grams or forty (40)  
79 dosage units, by imprisonment for not more than fifteen (15) years  
80 or a fine of not more than One Hundred Thousand Dollars  
81 (\$100,000.00), or both;

82 (D) If thirty (30) or more grams or forty (40) or  
83 more dosage units, but less than five hundred (500) grams or two  
84 thousand five hundred (2,500) dosage units, by imprisonment for  
85 not more than twenty (20) years or a fine of not more than Two  
86 Hundred Fifty Thousand Dollars (\$250,000.00), or both.

87 (4) For controlled substances classified in Schedule V,  
88 as set out in Section 41-29-121:



89 (A) If less than two (2) grams or ten (10) dosage  
90 units, by imprisonment for not more than one (1) year or a fine of  
91 not more than Five Thousand Dollars (\$5,000.00), or both;

92 (B) If two (2) or more grams or ten (10) or more  
93 dosage units, but less than ten (10) grams or twenty (20) dosage  
94 units, by imprisonment for not more than five (5) years or a fine  
95 of not more than Ten Thousand Dollars (\$10,000.00), or both;

96 (C) If ten (10) or more grams or twenty (20) or  
97 more dosage units, but less than thirty (30) grams or forty (40)  
98 dosage units, by imprisonment for not more than ten (10) years or  
99 a fine of not more than Twenty Thousand Dollars (\$20,000.00), or  
100 both;

101 (D) For thirty (30) or more grams or forty (40) or  
102 more dosage units, but less than five hundred (500) grams or two  
103 thousand five hundred (2,500) dosage units, by imprisonment for  
104 not more than fifteen (15) years or a fine of not more than Fifty  
105 Thousand Dollars (\$50,000.00), or both.

106 (c) **Simple possession.** It is unlawful for any person  
107 knowingly or intentionally to possess any controlled substance  
108 unless the substance was obtained directly from, or pursuant to, a  
109 valid prescription or order of a practitioner while acting in the  
110 course of his professional practice, or except as otherwise  
111 authorized by this article. The penalties for any violation of  
112 this subsection (c) with respect to a controlled substance  
113 classified in Schedules I, II, III, IV or V, as set out in Section



114 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including  
115 marijuana \* \* \*, synthetic cannabinoids or methamphetamine, shall  
116 be based on dosage unit as defined herein or the weight of the  
117 controlled substance as set forth herein as appropriate:

118 "Dosage unit (d.u.)" means a tablet or capsule, or in the  
119 case of a liquid solution, one (1) milliliter. In the case of  
120 lysergic acid diethylamide (LSD) the term, "dosage unit" means a  
121 stamp, square, dot, microdot, tablet or capsule of a controlled  
122 substance.

123 For any controlled substance that does not fall within the  
124 definition of the term "dosage unit," the penalties shall be based  
125 upon the weight of the controlled substance.

126 The weight set forth refers to the entire weight of any  
127 mixture or substance containing a detectable amount of the  
128 controlled substance.

129 If a mixture or substance contains more than one (1)  
130 controlled substance, the weight of the mixture or substance is  
131 assigned to the controlled substance that results in the greater  
132 punishment.

133 Upon conviction, a person shall be charged and sentenced as  
134 follows for a violation of this subsection with respect to:

135 (1) A controlled substance classified in Schedule I or  
136 II, except marijuana \* \* \*, synthetic cannabinoids and  
137 methamphetamine:



138 (A) If less than one-tenth (0.1) gram or two (2)  
139 dosage units, the violation is a misdemeanor and punishable by  
140 imprisonment for not more than one (1) year or a fine of not more  
141 than One Thousand Dollars (\$1,000.00), or both.

142 (B) If one-tenth (0.1) gram or more or two (2) or  
143 more dosage units, but less than two (2) grams or ten (10) dosage  
144 units, by imprisonment for not more than three (3) years or a fine  
145 of not more than Fifty Thousand Dollars (\$50,000.00), or both.

146 (C) If two (2) or more grams or ten (10) or more  
147 dosage units, but less than ten (10) grams or twenty (20) dosage  
148 units, by imprisonment for not more than eight (8) years or a fine  
149 of not more than Two Hundred Fifty Thousand Dollars (\$250,000.00),  
150 or both.

151 (D) If ten (10) or more grams or twenty (20) or  
152 more dosage units, but less than thirty (30) grams or forty (40)  
153 dosage units, by imprisonment for not less than three (3) years  
154 nor more than twenty (20) years or a fine of not more than Five  
155 Hundred Thousand Dollars (\$500,000.00), or both.

156 (2) (A) Marijuana and synthetic cannabinoids:

157 1. If thirty (30) grams or less of marijuana,  
158 or ten (10) grams or less of synthetic cannabinoids, by a fine of  
159 not less than One Hundred Dollars (\$100.00) nor more than Two  
160 Hundred Fifty Dollars (\$250.00). The provisions of this paragraph  
161 (2) (A) may be enforceable by summons if the offender provides  
162 proof of identity satisfactory to the arresting officer and gives



163 written promise to appear in court satisfactory to the arresting  
164 officer, as directed by the summons. A second conviction under  
165 this section within two (2) years is a misdemeanor punishable by a  
166 fine of Two Hundred Fifty Dollars (\$250.00), not more than sixty  
167 (60) days in the county jail, and mandatory participation in a  
168 drug education program approved by the Division of Alcohol and  
169 Drug Abuse of the \* \* \* Department of Mental Health \* \* \* unless  
170 the court enters a written finding that a drug education program  
171 is inappropriate. A third or subsequent conviction under this  
172 paragraph (2) (A) within two (2) years is a misdemeanor punishable  
173 by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor  
174 more than One Thousand Dollars (\$1,000.00) and confinement for not  
175 more than six (6) months in the county jail.

176       Upon a first or second conviction under this paragraph  
177 (2) (A), the courts shall forward a report of the conviction to the  
178 Mississippi Bureau of Narcotics which shall make and maintain a  
179 private, nonpublic record for a period not to exceed two (2) years  
180 from the date of conviction. The private, nonpublic record shall  
181 be solely for the use of the courts in determining the penalties  
182 which attach upon conviction under this paragraph (2) (A) and shall  
183 not constitute a criminal record for the purpose of private or  
184 administrative inquiry and the record of each conviction shall be  
185 expunged at the end of the period of two (2) years following the  
186 date of such conviction;





187                   2. Additionally, a person who is the operator  
188 of a motor vehicle, who possesses on his person or knowingly keeps  
189 or allows to be kept in a motor vehicle within the area of the  
190 vehicle normally occupied by the driver or passengers, more than  
191 one (1) gram, but not more than thirty (30) grams of marijuana or  
192 not more than ten (10) grams of synthetic cannabinoids is guilty  
193 of a misdemeanor and, upon conviction, may be fined not more than  
194 One Thousand Dollars (\$1,000.00) or confined for not more than  
195 ninety (90) days in the county jail, or both. For the purposes of  
196 this subsection, such area of the vehicle shall not include the  
197 trunk of the motor vehicle or the areas not normally occupied by  
198 the driver or passengers if the vehicle is not equipped with a  
199 trunk. A utility or glove compartment shall be deemed to be  
200 within the area occupied by the driver and passengers;

201                   (B) Marijuana:

202                   1. If more than thirty (30) grams but less  
203 than two hundred fifty (250) grams, by a fine of not more than One  
204 Thousand Dollars (\$1,000.00), or confinement in the county jail  
205 for not more than one (1) year, or both; or by a fine of not more  
206 than Three Thousand Dollars (\$3,000.00), or imprisonment in the  
207 custody of the Department of Corrections for not more than three  
208 (3) years, or both;

209                   2. If two hundred fifty (250) or more grams  
210 but less than five hundred (500) grams, by imprisonment for not



211 less than two (2) years nor more than eight (8) years or by a fine  
212 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

213           3. If five hundred (500) or more grams but  
214 less than one (1) kilogram, by imprisonment for not less than four  
215 (4) years nor more than sixteen (16) years or a fine of not more  
216 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

217           4. If one (1) kilogram or more but less than  
218 five (5) kilograms, by imprisonment for not less than six (6)  
219 years nor more than twenty-four (24) years or a fine of not more  
220 than Five Hundred Thousand Dollars (\$500,000.00), or both;

221           5. If five (5) kilograms or more, by  
222 imprisonment for not less than ten (10) years nor more than thirty  
223 (30) years or a fine of not more than One Million Dollars  
224 (\$1,000,000.00), or both.

225           (C) Synthetic cannabinoids:

226           1. If more than ten (10) grams but less than  
227 twenty (20) grams, by a fine of not more than One Thousand Dollars  
228 (\$1,000.00), or confinement in the county jail for not more than  
229 one (1) year, or both; or by a fine of not more than Three  
230 Thousand Dollars (\$3,000.00), or imprisonment in the custody of  
231 the Department of Corrections for not more than three (3) years,  
232 or both;

233           2. If twenty (20) or more grams but less than  
234 forty (40) grams, by imprisonment for not less than two (2) years



235 nor more than eight (8) years or by a fine of not more than Fifty  
236 Thousand Dollars (\$50,000.00), or both;

237           3. If forty (40) or more grams but less than  
238 two hundred (200) grams, by imprisonment for not less than four  
239 (4) years nor more than sixteen (16) years or a fine of not more  
240 than Two Hundred Fifty Thousand Dollars (\$250,000.00), or both;

241           4. If two hundred (200) or more grams, by  
242 imprisonment for not less than six (6) years nor more than  
243 twenty-four (24) years or a fine of not more than Five Hundred  
244 Thousand Dollars (\$500,000.00), or both.

245           (D) Methamphetamine:

246           1. If one (1) gram or less or five (5) dosage  
247 units or less, a first offense is punishable by a fine of not more  
248 than Two Hundred Fifty Dollars (\$250.00), or not more than thirty  
249 (30) days in the county jail, or both; for a second offense  
250 occurring within five (5) years, a fine of not less than Two  
251 Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars  
252 (\$1,000.00) and not less than five (5) days nor more than six (6)  
253 months in the county jail; for a third or subsequent offense  
254 occurring within five (5) years, the offense shall be a felony  
255 punishable by imprisonment in the custody of the Department of  
256 Corrections for not more than five (5) years or a fine of not more  
257 than Fifty Thousand Dollars (\$50,000.00), or both. For a first or  
258 second offense under this item, the court shall require the  
259 defendant to participate in a drug education program approved by



260 the Division of Alcohol and Drug Abuse of the Department of Mental  
261 Health unless the court enters a written finding that a drug  
262 education program is inappropriate.

263 2. If more than one (1) gram or five (5)  
264 dosage units, but less than two (2) grams or ten (10) dosage  
265 units, by imprisonment in the custody of the Department of  
266 Corrections for not more than five (5) years or a fine of not more  
267 than Fifty Thousand Dollars (\$50,000.00), or both.

268 3. If two (2) or more grams or ten (10) or  
269 more dosage units, but less than ten (10) grams or twenty (20)  
270 dosage units, by imprisonment in the custody of the Department of  
271 Corrections for not more than eight (8) years or a fine of not  
272 more than Two Hundred Fifty Thousand Dollars (\$250,000.00), or  
273 both.

274 4. If ten (10) or more grams or twenty (20)  
275 or more dosage units, but less than thirty (30) grams or forty  
276 (40) dosage units, by imprisonment in the custody of the  
277 Department of Corrections for not less than three (3) years nor  
278 more than twenty (20) years or a fine of not more than Five  
279 Hundred Thousand Dollars (\$500,000.00), or both.

280 This subparagraph (D) shall stand repealed on July 1, 2025.

281 (3) A controlled substance classified in Schedule III,  
282 IV or V as set out in Sections 41-29-117 through 41-29-121, upon  
283 conviction, may be punished as follows:



284 (A) If less than fifty (50) grams or less than one  
285 hundred (100) dosage units, the offense is a misdemeanor and  
286 punishable by not more than one (1) year or a fine of not more  
287 than One Thousand Dollars (\$1,000.00), or both.

288 (B) If fifty (50) or more grams or one hundred  
289 (100) or more dosage units, but less than one hundred fifty (150)  
290 grams or five hundred (500) dosage units, by imprisonment for not  
291 less than one (1) year nor more than four (4) years or a fine of  
292 not more than Ten Thousand Dollars (\$10,000.00), or both.

293 (C) If one hundred fifty (150) or more grams or  
294 five hundred (500) or more dosage units, but less than three  
295 hundred (300) grams or one thousand (1,000) dosage units, by  
296 imprisonment for not less than two (2) years nor more than eight  
297 (8) years or a fine of not more than Fifty Thousand Dollars  
298 (\$50,000.00), or both.

299 (D) If three hundred (300) or more grams or one  
300 thousand (1,000) or more dosage units, but less than five hundred  
301 (500) grams or two thousand five hundred (2,500) dosage units, by  
302 imprisonment for not less than four (4) years nor more than  
303 sixteen (16) years or a fine of not more than Two Hundred Fifty  
304 Thousand Dollars (\$250,000.00), or both.

305 (d) **Paraphernalia.** (1) It is unlawful for a person who is  
306 not authorized by the State Board of Medical Licensure, State  
307 Board of Pharmacy, or other lawful authority to use, or to possess  
308 with intent to use, paraphernalia to plant, propagate, cultivate,



309 grow, harvest, manufacture, compound, convert, produce, process,  
310 prepare, test, analyze, pack, repack, store, contain, conceal,  
311 inject, ingest, inhale or otherwise introduce into the human body  
312 a controlled substance in violation of the Uniform Controlled  
313 Substances Law. Any person who violates this subsection (d)(1) is  
314 guilty of a misdemeanor and, upon conviction, may be confined in  
315 the county jail for not more than six (6) months, or fined not  
316 more than Five Hundred Dollars (\$500.00), or both; however, no  
317 person shall be charged with a violation of this subsection when  
318 such person is also charged with the possession of thirty (30)  
319 grams or less of marijuana under subsection (c)(2)(A) of this  
320 section.

321 (2) It is unlawful for any person to deliver, sell,  
322 possess with intent to deliver or sell, or manufacture with intent  
323 to deliver or sell, paraphernalia, knowing, or under circumstances  
324 where one reasonably should know, that it will be used to plant,  
325 propagate, cultivate, grow, harvest, manufacture, compound,  
326 convert, produce, process, prepare, test, analyze, pack, repack,  
327 store, contain, conceal, inject, ingest, inhale, or otherwise  
328 introduce into the human body a controlled substance in violation  
329 of the Uniform Controlled Substances Law. Except as provided in  
330 subsection (d)(3), a person who violates this subsection (d)(2) is  
331 guilty of a misdemeanor and, upon conviction, may be confined in  
332 the county jail for not more than six (6) months, or fined not  
333 more than Five Hundred Dollars (\$500.00), or both.



334 (3) Any person eighteen (18) years of age or over who  
335 violates subsection (d)(2) of this section by delivering or  
336 selling paraphernalia to a person under eighteen (18) years of age  
337 who is at least three (3) years his junior is guilty of a  
338 misdemeanor and, upon conviction, may be confined in the county  
339 jail for not more than one (1) year, or fined not more than One  
340 Thousand Dollars (\$1,000.00), or both.

341 (4) It is unlawful for any person to place in any  
342 newspaper, magazine, handbill, or other publication any  
343 advertisement, knowing, or under circumstances where one  
344 reasonably should know, that the purpose of the advertisement, in  
345 whole or in part, is to promote the sale of objects designed or  
346 intended for use as paraphernalia. Any person who violates this  
347 subsection is guilty of a misdemeanor and, upon conviction, may be  
348 confined in the county jail for not more than six (6) months, or  
349 fined not more than Five Hundred Dollars (\$500.00), or both.

350 (e) It shall be unlawful for any physician practicing  
351 medicine in this state to prescribe, dispense or administer any  
352 amphetamine or amphetamine-like anorectics and/or central nervous  
353 system stimulants classified in Schedule II, pursuant to Section  
354 41-29-115, for the exclusive treatment of obesity, weight control  
355 or weight loss. Any person who violates this subsection, upon  
356 conviction, is guilty of a misdemeanor and may be confined for a  
357 period not to exceed six (6) months, or fined not more than One  
358 Thousand Dollars (\$1,000.00), or both.



359 (f) **Trafficking.** (1) Any person trafficking in controlled  
360 substances shall be guilty of a felony and, upon conviction, shall  
361 be imprisoned for a term of not less than ten (10) years nor more  
362 than forty (40) years and shall be fined not less than Five  
363 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
364 (\$1,000,000.00). The ten-year mandatory sentence shall not be  
365 reduced or suspended. The person shall not be eligible for  
366 probation or parole, the provisions of Sections 41-29-149,  
367 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

368 (2) "Trafficking in controlled substances" as used  
369 herein means:

370 (A) A violation of subsection (a) of this section  
371 involving thirty (30) or more grams or forty (40) or more dosage  
372 units of a Schedule I or II controlled substance except marijuana  
373 and synthetic cannabinoids;

374 (B) A violation of subsection (a) of this section  
375 involving five hundred (500) or more grams or two thousand five  
376 hundred (2,500) or more dosage units of a Schedule III, IV or V  
377 controlled substance;

378 (C) A violation of subsection (c) of this section  
379 involving thirty (30) or more grams or forty (40) or more dosage  
380 units of a Schedule I or II controlled substance except marijuana  
381 and synthetic cannabinoids;

382 (D) A violation of subsection (c) of this section  
383 involving five hundred (500) or more grams or two thousand five





384 hundred (2,500) or more dosage units of a Schedule III, IV or V  
385 controlled substance; or

386 (E) A violation of subsection (a) of this section  
387 involving one (1) kilogram or more of marijuana or two hundred  
388 (200) grams or more of synthetic cannabinoids.

389 (g) **Aggravated trafficking.** Any person trafficking in  
390 Schedule I or II controlled substances, except marijuana and  
391 synthetic cannabinoids, of two hundred (200) grams or more shall  
392 be guilty of aggravated trafficking and, upon conviction, shall be  
393 sentenced to a term of not less than twenty-five (25) years nor  
394 more than life in prison and shall be fined not less than Five  
395 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
396 (\$1,000,000.00). The twenty-five-year sentence shall be a  
397 mandatory sentence and shall not be reduced or suspended. The  
398 person shall not be eligible for probation or parole, the  
399 provisions of Sections 41-29-149, 47-5-139, 47-7-3 and 47-7-33, to  
400 the contrary notwithstanding.

401 (h) **Sentence mitigation.** (1) Notwithstanding any provision  
402 of this section, a person who has been convicted of an offense  
403 under this section that requires the judge to impose a prison  
404 sentence which cannot be suspended or reduced and is ineligible  
405 for probation or parole may, at the discretion of the court,  
406 receive a sentence of imprisonment that is no less than  
407 twenty-five percent (25%) of the sentence prescribed by the



408 applicable statute. In considering whether to apply the departure  
409 from the sentence prescribed, the court shall conclude that:

410 (A) The offender was not a leader of the criminal  
411 enterprise;

412 (B) The offender did not use violence or a weapon  
413 during the crime;

414 (C) The offense did not result in a death or  
415 serious bodily injury of a person not a party to the criminal  
416 enterprise; and

417 (D) The interests of justice are not served by the  
418 imposition of the prescribed mandatory sentence.

419 The court may also consider whether information and  
420 assistance were furnished to a law enforcement agency, or its  
421 designee, which, in the opinion of the trial judge, objectively  
422 should or would have aided in the arrest or prosecution of others  
423 who violate this subsection. The accused shall have adequate  
424 opportunity to develop and make a record of all information and  
425 assistance so furnished.

426 (2) If the court reduces the prescribed sentence  
427 pursuant to this subsection, it must specify on the record the  
428 circumstances warranting the departure.

429 **SECTION 2.** This act shall take effect and be in force from  
430 and after July 1, 2022.

