

By: Senator(s) Simmons (12th)

To: Judiciary, Division B

SENATE BILL NO. 2624

1 AN ACT TO AMEND SECTION 41-29-139, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE PENALTIES FOR FIRST AND SECOND CONTROLLED SUBSTANCE  
3 CRIMES; TO AMEND SECTION 41-29-147, MISSISSIPPI CODE OF 1972, TO  
4 CONFORM; AND FOR RELATED PURPOSES.

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

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

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

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

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

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



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

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

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

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

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

37 (2) (A) For marijuana:

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

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



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

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

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

53                   (B) For synthetic cannabinoids:

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

57                   2. If more than ten (10) grams but less than  
58 twenty (20) grams, by imprisonment for not more than five (5)  
59 years or a fine of not more than Five Thousand Dollars  
60 (\$5,000.00), or both;

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

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



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

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

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

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

78 (C) If ten (10) or more grams or twenty (20) or  
79 more dosage units, but less than thirty (30) grams or forty (40)  
80 dosage units, by imprisonment for not more than fifteen (15) years  
81 or a fine of not more than One Hundred Thousand Dollars  
82 (\$100,000.00), or both;

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

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



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

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

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

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

107 (c) **Simple possession.** Except as otherwise provided under  
108 subsection (i) of this section for actions that are lawful under  
109 the Mississippi Medical Cannabis Act and in compliance with rules  
110 and regulations adopted thereunder, it is unlawful for any person  
111 knowingly or intentionally to possess any controlled substance  
112 unless the substance was obtained directly from, or pursuant to, a  
113 valid prescription or order of a practitioner while acting in the  
114 course of his professional practice, or except as otherwise



115 authorized by this article. The penalties for any violation of  
116 this subsection (c) with respect to a controlled substance  
117 classified in Schedules I, II, III, IV or V, as set out in Section  
118 41-29-113, 41-29-115, 41-29-117, 41-29-119 or 41-29-121, including  
119 marijuana or synthetic cannabinoids, shall be based on dosage unit  
120 as defined herein or the weight of the controlled substance as set  
121 forth herein as appropriate:

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

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

130 The weight set forth refers to the entire weight of any  
131 mixture or substance containing a detectable amount of the  
132 controlled substance.

133 If a mixture or substance contains more than one (1)  
134 controlled substance, the weight of the mixture or substance is  
135 assigned to the controlled substance that results in the greater  
136 punishment.

137 A person shall be charged and sentenced as follows for a  
138 violation of this subsection \* \* \*:



139           (1) For a third or subsequent offense, a controlled  
140 substance classified in Schedule I or II, except marijuana and  
141 synthetic cannabinoids:

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

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

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

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

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

161                   1. If thirty (30) grams or less of marijuana  
162 or ten (10) grams or less of synthetic cannabinoids, by a fine of  
163 not less than One Hundred Dollars (\$100.00) nor more than Two



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

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





189 expunged at the end of the period of two (2) years following the  
190 date of such conviction;

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

205                   (B) For a third or subsequent offense, marijuana:

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



213                   2. If two hundred fifty (250) or more grams  
214 but less than five hundred (500) grams, by imprisonment for not  
215 less than two (2) years nor more than eight (8) years or by a fine  
216 of not more than Fifty Thousand Dollars (\$50,000.00), or both;

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

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

225                   5. If five (5) kilograms or more, by  
226 imprisonment for not less than ten (10) years nor more than thirty  
227 (30) years or a fine of not more than One Million Dollars  
228 (\$1,000,000.00), or both.

229                   (C) For a third or subsequent offense, synthetic  
230 cannabinoids:

231                   1. If more than ten (10) grams but less than  
232 twenty (20) grams, by a fine of not more than One Thousand Dollars  
233 (\$1,000.00), or confinement in the county jail for not more than  
234 one (1) year, or both; or by a fine of not more than Three  
235 Thousand Dollars (\$3,000.00), or imprisonment in the custody of  
236 the Department of Corrections for not more than three (3) years,  
237 or both;



238                   2. If twenty (20) or more grams but less than  
239 forty (40) grams, by imprisonment for not less than two (2) years  
240 nor more than eight (8) years or by a fine of not more than Fifty  
241 Thousand Dollars (\$50,000.00), or both;

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

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

250                   (3) For a third or subsequent offense, a controlled  
251 substance classified in Schedule III, IV or V as set out in  
252 Sections 41-29-117 through 41-29-121, upon conviction, may be  
253 punished as follows:

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

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



263 (C) If one hundred fifty (150) or more grams or  
264 five hundred (500) or more dosage units, but less than three  
265 hundred (300) grams or one thousand (1,000) dosage units, by  
266 imprisonment for not less than two (2) years nor more than eight  
267 (8) years or a fine of not more than Fifty Thousand Dollars  
268 (\$50,000.00), or both.

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

275 (4) For a first or second offense, a person who is  
276 charged with simple possession of a controlled substance, other  
277 than thirty (30) grams or less of marijuana or ten (10) grams or  
278 less of synthetic cannabinoids, shall be sentenced as follows:

279 (A) For the first offense, a misdemeanor  
280 punishable by imprisonment for not more than six (6) months, or a  
281 fine of not more than One Hundred Dollars (\$100.00), or both.

282 (B) For the second offense, a misdemeanor  
283 punishable by imprisonment for not more than one (1) year, or a  
284 fine of not more than Two Hundred Dollars (\$200.00), or both.

285 (C) For the third offense, the penalties as  
286 provided in Section 41-29-139, or probation.



287           (5) A person sentenced for simple possession of a  
288 controlled substance after the effective date of this act is  
289 subject to the penalties in Section 41-29-147 only after a fourth  
290 or subsequent simple possession conviction.

291           (6) Nothing in this section limits a judge's ability to  
292 suspend any penalty as provided by Section 41-29-149.

293           (7) A person convicted of possession of thirty (30)  
294 grams or less of marijuana or ten (10) grams or less of synthetic  
295 cannabinoids is subject to the penalties provided in paragraph  
296 (2) (A) of this subsection (c).

297           (d) **Paraphernalia.** (1) Except as otherwise provided under  
298 subsection (i) of this section for actions that are lawful under  
299 the Mississippi Medical Cannabis Act and in compliance with rules  
300 and regulations adopted thereunder, it is unlawful for a person  
301 who is not authorized by the State Board of Medical Licensure,  
302 State Board of Pharmacy, or other lawful authority to use, or to  
303 possess with intent to use, paraphernalia to plant, propagate,  
304 cultivate, grow, harvest, manufacture, compound, convert, produce,  
305 process, prepare, test, analyze, pack, repack, store, contain,  
306 conceal, inject, ingest, inhale or otherwise introduce into the  
307 human body a controlled substance in violation of the Uniform  
308 Controlled Substances Law. Any person who violates this  
309 subsection (d) (1) is guilty of a misdemeanor and, upon conviction,  
310 may be confined in the county jail for not more than six (6)  
311 months, or fined not more than Five Hundred Dollars (\$500.00), or



312 both; however, no person shall be charged with a violation of this  
313 subsection when such person is also charged with the possession of  
314 thirty (30) grams or less of marijuana under subsection (c) (2) (A)  
315 of this section.

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

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



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

345 (e) It shall be unlawful for any physician practicing  
346 medicine in this state to prescribe, dispense or administer any  
347 amphetamine or amphetamine-like anorectics and/or central nervous  
348 system stimulants classified in Schedule II, pursuant to Section  
349 41-29-115, for the exclusive treatment of obesity, weight control  
350 or weight loss. Any person who violates this subsection, upon  
351 conviction, is guilty of a misdemeanor and may be confined for a  
352 period not to exceed six (6) months, or fined not more than One  
353 Thousand Dollars (\$1,000.00), or both.

354 (f) **Trafficking.** (1) Any person trafficking in controlled  
355 substances shall be guilty of a felony and, upon conviction, shall  
356 be imprisoned for a term of not less than ten (10) years nor more  
357 than forty (40) years and shall be fined not less than Five  
358 Thousand Dollars (\$5,000.00) nor more than One Million Dollars  
359 (\$1,000,000.00). The ten-year mandatory sentence shall not be  
360 reduced or suspended. The person shall not be eligible for



361 probation or parole, the provisions of Sections 41-29-149,  
362 47-5-139, 47-7-3 and 47-7-33, to the contrary notwithstanding.

363 (2) "Trafficking in controlled substances" as used  
364 herein means:

365 (A) A violation of subsection (a) of this section  
366 involving thirty (30) or more grams or forty (40) or more dosage  
367 units of a Schedule I or II controlled substance except marijuana  
368 and synthetic cannabinoids;

369 (B) A violation of subsection (a) of this section  
370 involving five hundred (500) or more grams or two thousand five  
371 hundred (2,500) or more dosage units of a Schedule III, IV or V  
372 controlled substance;

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

377 (D) A violation of subsection (c) of this section  
378 involving five hundred (500) or more grams or two thousand five  
379 hundred (2,500) or more dosage units of a Schedule III, IV or V  
380 controlled substance; or

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

384 (g) **Aggravated trafficking.** Any person trafficking in  
385 Schedule I or II controlled substances, except marijuana and





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

396 (h) **Sentence mitigation.** (1) Notwithstanding any provision  
397 of this section, a person who has been convicted of an offense  
398 under this section that requires the judge to impose a prison  
399 sentence which cannot be suspended or reduced and is ineligible  
400 for probation or parole may, at the discretion of the court,  
401 receive a sentence of imprisonment that is no less than  
402 twenty-five percent (25%) of the sentence prescribed by the  
403 applicable statute. In considering whether to apply the departure  
404 from the sentence prescribed, the court shall conclude that:

405 (A) The offender was not a leader of the criminal  
406 enterprise;

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



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

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

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

421 (2) If the court reduces the prescribed sentence  
422 pursuant to this subsection, it must specify on the record the  
423 circumstances warranting the departure.

424 (i) This section does not apply to any of the actions that  
425 are lawful under the Mississippi Medical Cannabis Act and in  
426 compliance with rules and regulations adopted thereunder.

427 **SECTION 2.** Section 41-29-147, Mississippi Code of 1972, is  
428 amended as follows:

429 41-29-147. Except as otherwise provided in Section  
430 41-29-142, any person convicted of a \* \* \* fourth or subsequent  
431 offense under this article may be imprisoned for a term up to  
432 twice the term otherwise authorized, fined an amount up to twice  
433 that otherwise authorized, or both.



434 For purposes of this section, an offense is considered a  
435 second or subsequent offense, if, prior to his conviction of the  
436 offense, the offender has at any time been convicted under this  
437 article or under any statute of the United States or of any state  
438 relating to narcotic drugs, \* \* \* marijuana, depressant, stimulant  
439 or hallucinogenic drugs.

440 **SECTION 3.** This act shall take effect and be in force from  
441 and after July 1, 2024.

