

§1105-B. Aggravated trafficking or furnishing of counterfeit drugs

1. A person is guilty of aggravated trafficking in or furnishing a counterfeit drug if the person violates section 1104 and:

A. The person trafficks in a counterfeit drug with or furnishes a counterfeit drug to a child who is in fact under 18 years of age; [PL 2001, c. 383, §119 (NEW); PL 2001, c. 383, §156 (AFF).]

B. At the time of the offense, the person has one or more prior convictions for any Class A, B or C offense under this chapter or for engaging in substantially similar conduct to that of the Class A, B or C offenses under this chapter in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, the date of each prior conviction may precede the commission of the offense being enhanced by more than 10 years; [PL 2007, c. 476, §40 (AMD).]

C. At the time of the offense, the person possesses a firearm in the furtherance of the offense, uses a firearm, carries a firearm or is armed with a firearm; or [PL 2003, c. 476, §4 (AMD).]

D. Death or serious bodily injury of another person is in fact caused by the use of one or more drugs and the drug furnished by the defendant is a contributing factor to the death or serious bodily injury of the other person. [PL 2017, c. 460, Pt. F, §4 (AMD).]

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2. Aggravated trafficking in or furnishing a counterfeit drug is a Class B crime. [PL 2001, c. 383, §119 (NEW); PL 2001, c. 383, §156 (AFF).]

3. If a person uses a motor vehicle to facilitate the aggravated trafficking in or furnishing of a counterfeit drug, the court may, in addition to other authorized penalties, suspend the person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license or permit. The Secretary of State may not reinstate the person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

[PL 2001, c. 383, §119 (NEW); PL 2001, c. 383, §156 (AFF).]

SECTION HISTORY

PL 2001, c. 383, §119 (NEW). PL 2001, c. 383, §156 (AFF). PL 2001, c. 667, §D26 (AMD). PL 2001, c. 667, §D36 (AFF). PL 2003, c. 476, §§3-5 (AMD). PL 2007, c. 476, §40 (AMD). PL 2017, c. 460, Pt. F, §4 (AMD).

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