

HOUSE BILL NO. 1201

Introduced by

Representatives Roers Jones, Becker, Boschee, Dockter, Mock, M. Ruby

Senators Meyer, K. Roers

1 A BILL for an Act to amend and reenact subdivision d of subsection 7 of section 19-03.1-23 and
2 section 19-03.4-03 of the North Dakota Century Code, relating to marijuana.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subdivision d of subsection 7 of section 19-03.1-23 of the
5 North Dakota Century Code is amended and reenacted as follows:

6 d. A person who violates this subsection by possessing:

- 7 (1) Marijuana in an amount of less than ~~one-half~~one ounce [~~14.175~~28.350
8 grams] is guilty of an ~~infraction~~noncriminal offense punishable by a fee of
9 up to fifty dollars.
- 10 (2) At least ~~one-half~~one ounce [~~14.175~~28.350 grams] but not more than ~~500~~250
11 grams of marijuana is guilty of a ~~class B misdemeanor~~infraction.
- 12 (3) More than 250 grams but not more than 500 grams of marijuana is guilty of
13 a class B misdemeanor.
- 14 (4) More than 500 grams of marijuana is guilty of a class A misdemeanor.

15 **SECTION 2. AMENDMENT.** Section 19-03.4-03 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **19-03.4-03. Unlawful possession of drug paraphernalia - Penalty.**

- 18 1. A person may not use or possess with intent to use drug paraphernalia to plant,
19 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,
20 process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled
21 substance in violation of chapter 19-03.1. A person violating this subsection is guilty of
22 a class C felony if the drug paraphernalia is used, or possessed with intent to be used,
23 to manufacture, compound, convert, produce, process, prepare, test, or analyze a

1 controlled substance, other than marijuana, classified in schedule I, II, or III of chapter
2 19-03.1.

3 2. A person may not use or possess with the intent to use drug paraphernalia to inject,
4 ingest, inhale, or otherwise induce into the human body a controlled substance, other
5 than marijuana, classified in schedule I, II, or III of chapter 19-03.1. A person violating
6 this subsection is guilty of a class A misdemeanor. If a person previously has been
7 convicted of an offense under this title, other than an offense related to marijuana, or
8 an equivalent offense from another court in the United States, a violation of this
9 subsection is a class C felony.

10 3. A person may not use or possess with intent to use drug paraphernalia to plant,
11 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,
12 process, prepare, test, analyze, pack, or repack marijuana in violation of chapter
13 19-03.1. A person violating this subsection is guilty of a class A misdemeanor.

14 4. A person may not use or possess with the intent to use drug paraphernalia to ingest,
15 inhale, or otherwise introduce into the human body marijuana or possess with the
16 intent to use drug paraphernalia to store or contain marijuana in violation of
17 chapter 19-03.1. A person violating this subsection is guilty of an infraction
18 noncriminal offense punishable by a fee of up to fifty dollars. If a person is subject to a
19 fee or penalty under subdivision d of subsection 7 of section 19-03.1-23, the person
20 may not be subject to a fee under this subsection.

21 5. A person sentenced to the legal and physical custody of the department of corrections
22 and rehabilitation under this section may be placed in a drug and alcohol treatment
23 program as designated by the department. Upon the successful completion of the drug
24 and alcohol treatment program, the department shall release the person from
25 imprisonment to begin any court-ordered period of probation. If the person is not
26 subject to court-ordered probation, the court may order the person to serve the
27 remainder of the sentence of imprisonment on supervised probation subject to the
28 terms and conditions imposed by the court.

29 6. Probation under this section may include placement in another facility, treatment
30 program, or drug court. If the person is placed in another facility or treatment program

- 1 upon release from imprisonment, the remainder of the sentence must be considered
- 2 as time spent in custody.