

**SENATE BILL NO. 2223**

Introduced by

Senators Luick, Miller, Olafson, Murphy

Representatives Wall, Williams

1 A BILL for an Act to amend and reenact section 19-03.1-23.1 of the North Dakota Century  
2 Code, relating to aggravating factors in drug offenses.

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

4 **SECTION 1. AMENDMENT.** Section 19-03.1-23.1 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **19-03.1-23.1. Increased penalties for aggravating factors in drug offenses.**

7 1. A person who violates section 19-03.1-23 is subject to the penalties provided in  
8 subsection 2 if:

9 a. The offense involved the manufacture or distribution of a controlled substance in  
10 or on, or within one thousand feet [300.48 meters] of, the real property  
11 comprising a child care or preschool facility, public or private elementary or  
12 secondary school, public career and technical education school, or a public or  
13 private college or university;

14 b. The defendant was at least sixteen years of age at the time of the offense and  
15 the offense involved the delivery of a controlled substance to a minor;

16 c. The offense involved:

17 (1) Fifty grams or more of a mixture or substance containing a detectable  
18 amount of heroin;

19 (2) Fifty grams or more of a mixture or substance containing a detectable  
20 amount of:

21 (a) Coca leaves, except coca leaves and extracts of coca leaves from  
22 which cocaine, ecgonine, and derivatives of ecgonine or their salts  
23 have been removed;

- (b) Cocaine, its salts, optical and geometric isomers, and salts of isomers;
- (c) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
- (d) Any compound, mixture, or preparation that contains any quantity of any of the substance referred to in subparagraphs a through c;
- (3) Five grams or more of a mixture or substance described in paragraph 2 which contains cocaine base;
- (4) Ten grams or more of phencyclidine or one hundred grams or more of a mixture or substance containing a detectable amount of phencyclidine;
- (5) One gram, one hundred dosage units, or one-half liquid ounce or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide;
- (6) Forty grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or ten grams or more of a mixture or substance containing a detectable amount of any analog of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide;
- (7) Fifty grams or more of a mixture or substance containing a detectable amount of methamphetamine;
- (8) Ten grams, one hundred dosage units, or one-half liquid ounce or more of a mixture or substance containing a detectable amount of 3,4-methylenedioxy-N-methylamphetamine,  $C_{11}H_{15}NO_2$ ;
- (9) One hundred dosage units or one-half liquid ounce of a mixture or substance containing a detectable amount of gamma-hydroxybutyrate or gamma-butyrolactone or 1,4 butanediol or any substance that is an analog of gamma-hydroxybutyrate;
- (10) One hundred dosage units or one-half liquid ounce of a mixture or substance containing a detectable amount of flunitrazepam; or
- (11) Five hundred grams or more of marijuana; or
- d. The defendant had a firearm in the defendant's actual possession at the time of the offense.

2. The offense is:

- 1           a.    A class AA felony if the violation of section 19-03.1-23 is designated as a class A
- 2                felony.
- 3           b.    A class A felony if the violation of section 19-03.1-23 is designated as a class B
- 4                felony.
- 5           c.    A class B felony if the violation of section 19-03.1-23 is designated as a class C
- 6                felony.
- 7           d.    A class C felony if the violation of section 19-03.1-23 is designated as a class A
- 8                misdemeanor.