

April 1, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1050

Page 1, line 1, after "section" insert "19-03.1-22.3, subdivision d of subsection 8 of section 19-03.1-23, section"

Page 1, line 1, after "section 19-03.4-03" insert ", and subdivision i of subsection 5 of section 39-08-01"

Page 1, line 2, after "to" insert "the possession and ingestion of marijuana, and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 19-03.1-22.3 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-22.3. Ingesting a controlled substance - Venue for violation - Penalty.

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1. Except as provided in subsection 2, a person who intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance, unless the substance was obtained directly from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, is guilty of a class B misdemeanor if the controlled substance is marijuana. Otherwise, the offense is a class A misdemeanor.
2. A person who is under twenty-one years of age and intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance that is marijuana, unless the substance was medical marijuana obtained in accordance with chapter 19-24.1, is guilty of a class B misdemeanor.
3. The venue for a violation of this section exists in either the jurisdiction in which the controlled substance was ingested, inhaled, injected, or otherwise taken into the body or the jurisdiction in which the controlled substance was detected in the body of the accused.

SECTION 2. AMENDMENT. Subdivision d of subsection 8 of section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

- d. A person who violates this subsection ~~regarding possession by~~ possessing:
 - (1) Marijuana in an amount of less than one-half ounce [14.175 grams] is guilty of an infraction.
 - (2) At least one-half ounce [14.175 grams] but not more than one ounce [28.35 grams] of marijuana is guilty of a class B misdemeanor.

- (3) More than one ounce [28.35 grams] but not more than one-half pound [0.227 kilograms] of marijuana is guilty of a class A misdemeanor.
- (4) More than one-half pound [0.227 kilograms] of marijuana is guilty of a class C felony."

Page 2, line 6, overstrike "a class B misdemeanor" and insert immediately thereafter "an infraction"

Page 2, line 12, replace "shall" with "may"

Page 2, after line 18, insert:

"SECTION 4. AMENDMENT. Subdivision i of subsection 5 of section 39-08-01 of the North Dakota Century Code is amended and reenacted as follows:

- i. If the court sentences an individual to the legal and physical custody of the department of corrections and rehabilitation, the department may place the individual in an alcohol treatment program designated by the department. Upon the individual's successful completion of the alcohol treatment program, the department shall release the individual from imprisonment to begin the court-ordered period of probation. If there is not any court-ordered period of probation, the court ~~shall~~may order the individual to serve the remainder of the sentence of imprisonment on supervised probation and the terms and conditions must include participation in the twenty-four seven sobriety program and any terms and conditions of probation previously imposed by the court. Probation under this subsection may include placement in another facility or treatment program. If an individual is placed in another facility or treatment program after release from imprisonment, the remainder of the individual's sentence of imprisonment must be considered time spent in custody. Individuals incarcerated under this section subsequent to a second probation revocation are not eligible for release from imprisonment upon the successful completion of treatment."

Renumber accordingly