

**TESTIMONY OF REP. LAWRENCE R. KLEMIN**  
**SENATE JUDICIARY COMMITTEE**  
**HOUSE BILL NO. 1367**  
**MARCH 26, 2025**

Members of the Senate Judiciary Committee. I am Lawrence R. Klemin, Representative for District 47 in Bismarck. I am here today to testify in support of House Bill 1367, relating to drug crime penalties and drug paraphernalia possession. I introduced this bill at the request of the State's Attorneys Association.

Section 1 of the bill currently provides in subsection 7.b. that a person who illegally possesses a controlled substance not related to marijuana or tetrahydrocannabinol is guilty of a Class A misdemeanor for a first offense and a Class C felony for a second or subsequent offense. This law currently only applies to offenders with a prior conviction under North Dakota law. The bill expands upon the enhanced penalty for a second or subsequent offense by providing that a prior offense applies not only to convictions in North Dakota, but also to an equivalent offense in another State or Federal court. Subsection 7.i. makes an identical enhanced penalty for the possession of capsules, pills, or tablets of certain controlled substances.

Section 2 of the bill relates to the use of and penalty for possession of drug paraphernalia, which is a Class C felony, and expands upon the conduct involved to include "plant, propagate .... pack, repack, store, contain, or conceal" a controlled substance, other than marijuana or tetrahydrocannabinol.

Other testimony following me will further explain this bill and answer any questions you may have.

Madame Chair and members of the committee, I urge you to recommend "do pass" on HB 1367. Thank you.

Rep. Lawrence R. Klemin  
District 47, Bismarck