



North Dakota House of Representatives

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COMMITTEES:

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Chair Larson, Vice Chair Paulson, and members of the Judiciary Committee,

HB 1596 is the result of suggestions from State's Attorneys in Cass County, Stark County, and others regarding the congestion in our State's attorney offices, our judicial services and courtrooms, and also the overwhelming demands on law enforcement professionals when it comes to dealing with small amounts of marijuana.

To give you an idea of the magnitude of time, energy, and resources expended, between January 1, 2021, and December 31, 2024, four years, in North Dakota there were:

- 8,676 marijuana charges
- 7,365 cases opened
- 17,033 hearings
- 2,357 cases with a public defender appointed.
- and all of these cases were handed by our State's Attorneys.

That averages out to 2,169 charges each year, or about 1,800 cases opened each year, and 4,258 hearings each year.

Of these in 2024, over 90% were cases involving the least charges.

Right now, a marijuana infraction involves three court dates: the initial appearance, the pre-trial appearance, and trial.

HB 1596 makes the least of these marijuana offenses a noncriminal citation, so it is still a deterrent, requires the same fine, but it takes some of the burden off of our law enforcement officers, our states attorneys, our indigent defense attorneys, and the courts and judges.

Here are some of the details:

Under Marijuana

- A. Less than 1/2 oz. Like a speeding ticket. Noncriminal citation—up to \$150.
- B. Infraction—1/2 ounce is an infraction and would require a court date
- C. 100 Grams to 300 would be a Class B misdemeanor, requiring a court date resulting, if guilty, in 30 days jail, fine of \$1500 or both
- D. More than 500 grams, Class A misdemeanor, 360 day jail, fine of \$3000 or both

Tetrahydrocannabinol, or THC

- A. Less than 2 grams, noncriminal citation
- B. Two to 4 grams, infraction
- C. 4-6 grams class B misdemeanor
- D. 6 grams, class A misdemeanor

Paraphernalia

1. Noncriminal citation: fee up to \$150, appear/pay by 14 days. Forfeit bond by not appearing
2. If bond posted by mail, 14 days, indicate hearing request or not.
3. Request a hearing
4. At hearing, official can waive, reduce or suspend the bond or both

Section 4; paraphernalia —Noncriminal citation.

Note that we have added amendments to separate juvenile offenses so that they remain an infraction, so juvenile courts retain jurisdiction.

Please note that one of the sponsors of this bill is our colleague, a former Burleigh County Sheriff.

And, we have the support of the:

- North Dakota Association of Criminal Defense Lawyers
- North Dakota States Attorney's Association
- Indigent Defense Commission

This bill is a product of all of the above and we feel it accomplishes our goals easing the backlog yet continuing to be deterrent.

Thank you Chair Larson and committee, and I encourage you to pass HB 1596.

I stand for any questions, and if I can't answer, we can ask the attorneys.