

Fifty-fifth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1180

Introduced by

Representatives Carlisle, Kelsch, Mahoney

Senators Nalewaja, W. Stenehjem, Tallackson

1 A BILL for an Act to amend and reenact sections 12.1-31.1-03, 12.1-31.1-04, and subdivision a  
2 of subsection 1 of section 19-03.1-23 of the North Dakota Century Code, relating to unlawful  
3 possession, manufacture, or delivery of drug paraphernalia and methamphetamine; to provide a  
4 penalty; and to provide an appropriation.

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

6 **SECTION 1. AMENDMENT.** Section 12.1-31.1-03 of the North Dakota Century Code  
7 is amended and reenacted as follows:

8 **12.1-31.1-03. Unlawful possession of drug paraphernalia.** It shall be unlawful for  
9 any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate,  
10 cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test,  
11 analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into  
12 the human body a controlled substance in violation of chapter 19-03.1. Any person violating  
13 this section is guilty of a class C felony if the drug paraphernalia is used, or possessed with  
14 intent to be used, to manufacture, compound, convert, produce, process, prepare, test, or  
15 analyze a controlled substance, other than marijuana, classified in schedule I, II, or III of  
16 chapter 19-03.1. Otherwise, a violation of this section is a class A misdemeanor.

17 **SECTION 2. AMENDMENT.** Section 12.1-31.1-04 of the North Dakota Century Code  
18 is amended and reenacted as follows:

19 **12.1-31.1-04. Unlawful manufacture or delivery of drug paraphernalia.** It shall be  
20 unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to  
21 deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should  
22 know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound,  
23 convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject,  
24 ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of

chapter 19-03.1. Any person violating this section is guilty of a class C felony if the drug paraphernalia will be used to manufacture, compound, convert, produce, process, prepare, test, or analyze a controlled substance, other than marijuana, classified in schedule I, II, or III of chapter 19-03.1. Otherwise, a violation of this section is a class A misdemeanor.

**SECTION 3. AMENDMENT.** Subdivision a of subsection 1 of section 19-03.1-23 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

a. A controlled substance classified in schedule I or II which is a narcotic drug, or methamphetamine, is guilty of a class A felony and must be sentenced:

(1) For a first offense, to imprisonment for at least a year and a day.

(2) For a second offense, to imprisonment for at least five years.

(3) For a third or subsequent offense, to imprisonment for twenty years.

**SECTION 4. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$175,000, or so much of the sum as may be necessary, to the state department of health for the purpose of employing two full-time equivalent employees as forensic scientists at the state crime laboratory, and the sum of \$183,000, or so much of the sum as may be necessary, to the attorney general for the purpose of employing two full-time equivalent employees as criminal investigators at the bureau of criminal investigation, for the biennium beginning July 1, 1997, and ending June 30, 1999.