

HOUSE BILL NO. 1111

Introduced by

Judiciary Committee

(At the request of the Attorney General)

1 A BILL for an Act to amend and reenact subsection 3 of section 12-60-16.4, and subdivision g
2 of subsection 1 and subdivision e of subsection 5 of section 19-03.1-36 of the North Dakota
3 Century Code, relating to drug paraphernalia offense reporting and forfeiture and use of
4 forfeited property.

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

6 **SECTION 1. AMENDMENT.** Subsection 3 of section 12-60-16.4 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 3. Class A and B misdemeanor offenses in chapters 19-03.1 ~~and~~ , 19-03.2, and
9 19-03.4 and in sections 12-47-21 and 20.1-01-18.

10 **SECTION 2. AMENDMENT.** Subdivision g of subsection 1 of section 19-03.1-36 of the
11 North Dakota Century Code is amended and reenacted as follows:

12 g. All drug paraphernalia as defined in ~~title 12-4~~ chapter 19-03.4.

13 **SECTION 3. AMENDMENT.** Subdivision e of subsection 5 of section 19-03.1-36 of the
14 North Dakota Century Code is amended and reenacted as follows:

15 e. Use the property, including controlled substances, imitation controlled
16 substances, and plants forfeited under subsections 6 and 7, in enforcement of
17 this chapter. However, in a case involving the delivery of a forfeited controlled
18 substance by a law enforcement officer or a person acting as an agent of a
19 law enforcement officer, no prosecution or conviction for simple possession of
20 a controlled substance under subsection ~~3~~ 6 of section 19-03.1-23 may be
21 based upon the forfeited controlled substances supplied by the law
22 enforcement officer or the officer's agent.