

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

HOUSE BILL NO. 1111
(Judiciary Committee)
(At the request of the Attorney General)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1111.

House Vote: Yeas 91 Nays 0 Absent 3

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,

at _____ o'clock _____ M.

Secretary of State