

Introduced by

Senators Luick, Miller, Olafson, Murphy

Representatives Wall, Williams

1 A BILL for an Act to amend and reenact section 19-03.1-23.1 of the North Dakota Century
2 Code, relating to aggravating factors in drug offenses.

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

4 **SECTION 1. AMENDMENT.** Section 19-03.1-23.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **19-03.1-23.1. Increased penalties for aggravating factors in drug offenses.**

7 1. A person who violates section 19-03.1-23 is subject to the penalties provided in
8 subsection 2 if:

9 a. The offense involved the manufacture or distribution of a controlled substance in
10 or on, or within one thousand feet [300.48 meters] of, the real property
11 comprising a child care or preschool facility, public or private elementary or
12 secondary school, public career and technical education school, or a public or
13 private college or university;

14 b. The defendant was at least sixteen years of age at the time of the offense and
15 the offense involved the delivery of a controlled substance to a minor;

16 c. The offense involved:

17 (1) Fifty grams or more of a mixture or substance containing a detectable
18 amount of heroin;

19 (2) Fifty grams or more of a mixture or substance containing a detectable
20 amount of:

21 (a) Coca leaves, except coca leaves and extracts of coca leaves from
22 which cocaine, ecgonine, and derivatives of ecgonine or their salts
23 have been removed;

- 1 (b) Cocaine, its salts, optical and geometric isomers, and salts of
2 isomers;
- 3 (c) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
4 (d) Any compound, mixture, or preparation that contains any quantity of
5 any of the substance referred to in subparagraphs a through c;
- 6 (3) Five grams or more of a mixture or substance described in paragraph 2
7 which contains cocaine base;
- 8 (4) Ten grams or more of phencyclidine or one hundred grams or more of a
9 mixture or substance containing a detectable amount of phencyclidine;
- 10 (5) One gram, one hundred dosage units, or one-half liquid ounce or more of a
11 mixture or substance containing a detectable amount of lysergic acid
12 diethylamide;
- 13 (6) Forty grams or more of a mixture or substance containing a detectable
14 amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or ten
15 grams or more of a mixture or substance containing a detectable amount of
16 any analog of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide;
- 17 (7) Fifty grams or more of a mixture or substance containing a detectable
18 amount of methamphetamine;
- 19 (8) Ten grams, one hundred dosage units, or one-half liquid ounce or more of a
20 mixture or substance containing a detectable amount of
21 3,4-methylenedioxy-N-methylamphetamine, $C_{11}H_{15}NO_2$;
- 22 (9) One hundred dosage units or one-half liquid ounce of a mixture or
23 substance containing a detectable amount of gamma-hydroxybutyrate or
24 gamma-butyrolactone or 1,4 butanediol or any substance that is an analog
25 of gamma-hydroxybutyrate;
- 26 (10) One hundred dosage units or one-half liquid ounce of a mixture or
27 substance containing a detectable amount of flunitrazepam; or
- 28 (11) Five hundred grams or more of marijuana; or
- 29 d. The defendant had a firearm in the defendant's actual possession at the time of
30 the offense.
- 31 2. The offense is:

Sixty-second
Legislative Assembly

- 1 a. A class AA felony if the violation of section 19-03.1-23 is designated as a class A
- 2 felony.
- 3 b. A class A felony if the violation of section 19-03.1-23 is designated as a class B
- 4 felony.
- 5 c. A class B felony if the violation of section 19-03.1-23 is designated as a class C
- 6 felony.
- 7 d. A class C felony if the violation of section 19-03.1-23 is designated as a class A
- 8 misdemeanor.