

FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1596

Introduced by

Representatives Conmy, Dobervich, Foss, Murphy, M. Ruby, Vetter, Hendrix, Heinert
Senators Braunberger, Boschee

1 A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota
2 Century Code, relating to noncriminal marijuana, tetrahydrocannabinol, or paraphernalia
3 violations; to amend and reenact subsection 2 of section 19-03.1-22.3, subdivision d of
4 subsection 7 of section 19-03.1-23, subsection 9 of section 19-03.1-23, and subsection 4 of
5 section 19-03.4-03 of the North Dakota Century Code, relating to penalties for the ingestion and
6 possession of marijuana, tetrahydrocannabinol, or paraphernalia; and to provide a penalty.

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

8 **SECTION 1. AMENDMENT.** Subsection 2 of section 19-03.1-22.3 of the North Dakota
9 Century Code is amended and reenacted as follows:

10 2. A person who is under ~~twenty-one~~eighteen years of age and intentionally ingests,
11 inhales, injects, or otherwise takes into the body a controlled substance that is
12 marijuana or tetrahydrocannabinol, unless the substance was medical marijuana
13 obtained in accordance with chapter 19-24.1, is guilty of ~~a class B misdemeanor~~an
14 infraction.

15 **SECTION 2. AMENDMENT.** Subdivision d of subsection 7 of section 19-03.1-23 of the
16 North Dakota Century Code is amended and reenacted as follows:

17 d. A person who violates this subsection by possessing:

18 (1) Marijuana:

19 (a) In an amount of less than one-half ounce [14.175 grams] is ~~guilty of~~
20 an infractionsubject to a noncriminal citation if the person is eighteen
21 years of age or older.

1 (b) In an amount of less than one-half ounce [14.175 grams] is guilty of
2 an infraction if the person is under eighteen years of age.

3 (c) At least one-half ounce [14.175 grams] but not more than 500one
4 hundred grams of marijuana is guilty of a class B misdemeanor
5 infraction.

6 (e)(d) At least one hundred grams but not more than five hundred grams of
7 marijuana is guilty of a class B misdemeanor.

8 (e) More than 500five hundred grams of marijuana is guilty of a class A
9 misdemeanor.

10 (2) Tetrahydrocannabinol:

11 (a) In an amount less than two grams is guilty of an infraction
12 subject to a noncriminal citation if the person is eighteen years of age or older.

13 (b) In an amount less than two grams is guilty of an infraction if the
14 person is under eighteen years of age.

15 (c) At least two grams but not more than sixfour grams of
16 tetrahydrocannabinol is guilty of a class B misdemeanor
infraction.

17 (e)(d) At least four grams but not more than six grams of
18 tetrahydrocannabinol is guilty of a class B misdemeanor.

19 (e) More than six grams of tetrahydrocannabinol is guilty of a class A
20 misdemeanor.

21 **SECTION 3. AMENDMENT.** Subsection 9 of section 19-03.1-23 of the North Dakota
22 Century Code is amended and reenacted as follows:

23 9. If a person pleads guilty or is found guilty of a first offense regarding possession of
24 one ounce [28.35 grams] or less than five hundred grams of marijuana or twofour
25 grams or less of tetrahydrocannabinol and a judgment of guilt is entered, a court, upon
26 motion, shall seal the court record of that conviction if the person is not subsequently
27 convicted within two years of a further violation of this chapter. Once sealed, the court
28 record may not be opened even by order of the court.

29 **SECTION 4.** A new section to chapter 19-03.1 of the North Dakota Century Code is created
30 and enacted as follows:

1 **Noncriminal marijuana, tetrahydrocannabinol, or paraphernalia violation.**

- 2 1. An individual cited under this chapter or under subsection 4 of section 19-03.4-03 with
3 a noncriminal marijuana, tetrahydrocannabinol, or paraphernalia violation is subject to
4 a noncriminal citation carrying a fee of one hundred fifty dollars. The individual may:
5 a. Appear before the designated official and pay the statutory fee for the violation
6 charged at or before the time scheduled for a hearing; or
7 b. Forfeit bond by not appearing at the designated time, if the individual already
8 posted the bond.
- 9 2. If the individual is cited for a marijuana violation under state law and posts bond by
10 mail, the bond must be submitted within fourteen days of the date of the citation and
11 the individual cited shall indicate on the citation whether a hearing is requested. If the
12 individual:
13 a. Does not request a hearing within fourteen days of the date of the citation, the
14 bond is deemed forfeited and the violation admitted.
15 b. Requests a hearing, the court for the county in which the citation is issued shall
16 issue a summons to the individual requesting the hearing notifying the individual
17 of the date of the hearing before the designated official in accordance with this
18 section.
- 19 3. Upon appearing at the hearing scheduled in the citation or otherwise scheduled at the
20 individual's request, the individual may make a statement in explanation of the
21 individual's action. The official may at that time waive, reduce, or suspend the statutory
22 fee or bond, or both. If the individual cited follows the foregoing procedures, the
23 individual is deemed to have admitted the violation and to have waived the right to a
24 hearing on the issue of commission of the violation.
- 25 4. The bond required to secure appearance must be identical to the statutory fee for a
26 violation of this chapter or subsection 4 of section 19-03.4-03.

27 **SECTION 5. AMENDMENT.** Subsection 4 of section 19-03.4-03 of the North Dakota
28 Century Code is amended and reenacted as follows:

- 29 4. A person may not use or possess with the intent to use drug paraphernalia to ingest,
30 inhale, or otherwise introduce into the human body marijuana or tetrahydrocannabinol
31 or possess with the intent to use drug paraphernalia to store or contain marijuana or

1 tetrahydrocannabinol in violation of chapter 19-03.1. A person under eighteen years of
2 age violating this subsection is guilty of an infraction. A person eighteen years of age
3 or older violating this subsection is subject to a noncriminal citation.