

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1180

Introduced by

Representatives Carlisle, R. 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; and to
4 provide a penalty.

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

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

5 **SECTION 3. AMENDMENT.** Subdivision a of subsection 1 of section 19-03.1-23 of the
6 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

- 9 (1) For a first offense, to imprisonment for at least a year and a day.
10 (2) For a second offense, to imprisonment for at least five years.
11 (3) For a third or subsequent offense, to imprisonment for twenty years.