

**FIRST ENGROSSMENT
with Senate Amendments****ENGROSSED HOUSE BILL NO. 1367**

Introduced by

Representatives Keiser, Mahoney

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 sentencing for 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
5 is 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
10 in or on, or within one thousand feet [300.48 meters] of, the real property
11 comprising a public or private elementary or secondary school, public
12 vocational school, or a public or private college or university;
 - 13 b. The defendant was at least ~~eighteen~~ sixteen years of age at the time of the
14 offense and the offense involved the delivery of a controlled substance to a
15 minor; or
 - 16 c. The offense involved:
 - 17 (1) ~~One hundred~~ Fifty grams or more of a mixture or substance containing
18 a detectable amount of heroin;
 - 19 (2) ~~Five hundred~~ Fifty grams or more of a mixture or substance containing
20 a detectable amount of:
 - 21 (a) Coca leaves, except coca leaves and extracts of coca leaves
22 from which cocaine, ecgonine, and derivatives of ecgonine or
23 their salts 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
4 isomers; or
- 5 (d) Any compound, mixture, or preparation that contains any quantity
6 of any of the substance referred to in subparagraphs a through c;
- 7 (3) Five grams or more of a mixture or substance described in paragraph 2
8 which contains cocaine base;
- 9 (4) Ten grams or more of phencyclidine or one hundred grams or more of
10 a mixture or substance containing a detectable amount of
11 phencyclidine;
- 12 (5) One gram, one hundred dosage units, or one-half liquid ounce or more
13 of a mixture or substance containing a detectable amount of lysergic
14 acid diethylamide; ~~or~~
- 15 (6) Forty grams or more of a mixture or substance containing a detectable
16 amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propanamide or
17 ten grams or more of a mixture or substance containing a detectable
18 amount of any analog of N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]
19 propanamide-;
- 20 (7) Fifty grams or more of a mixture or substance containing a detectable
21 amount of methamphetamine;
- 22 (8) Ten grams, one hundred dosage units, or one-half liquid ounce or more
23 of a mixture of substance containing a detectable amount of
24 3,4-methylenedioxy-N-methylamphetamine, C₁₁ H₁₅ NO₂;
- 25 (9) One hundred dosage units or one-half liquid ounce of a mixture or
26 substance containing a detectable amount of gamma-hydroxybutyrate
27 or gamma-butyrolactone or 1,4 butanediol or any substance that is an
28 analog of gamma-hydroxybutyrate;
- 29 (10) One hundred dosage units or one-half liquid ounce of a mixture or
30 substance containing a detectable amount of flunitrazepam; or
- 31 (11) Five hundred grams or more of marijuana.

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