

Introduced by

Representatives Roers Jones, Satrom

Senators Unruh, Poolman, K. Roers, Myrdal

1 A BILL for an Act to amend and reenact section 19-03.4-03 of the North Dakota Century Code,  
2 relating to the placement of an individual in a drug and alcohol treatment program by the  
3 department of corrections and rehabilitation; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 19-03.4-03 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **19-03.4-03. Unlawful possession of drug paraphernalia - Penalty.**

- 8 1. ~~A person~~An individual may not use or possess with intent to use drug paraphernalia to  
9 plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,  
10 process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled  
11 substance in violation of chapter 19-03.1. ~~Any person~~An individual violating this  
12 subsection is guilty of a class C felony if the drug paraphernalia is used, or possessed  
13 with intent to be used, to manufacture, compound, convert, produce, process, prepare,  
14 test, or analyze a controlled substance, other than marijuana, classified in schedule I,  
15 II, or III of chapter 19-03.1.
- 16 2. ~~A person~~An individual may not use or possess with the intent to use drug  
17 paraphernalia to inject, ingest, inhale, or otherwise induce into the human body a  
18 controlled substance, other than marijuana, classified in schedule I, II, or III of  
19 chapter 19-03.1. ~~A person~~An individual violating this subsection is guilty of a class A  
20 misdemeanor. If ~~a person~~an individual previously has been convicted of an offense  
21 under this title, other than an offense related to marijuana, or an equivalent offense  
22 from another court in the United States, a violation of this subsection is a class C  
23 felony.

- 1           3. ~~A person~~An individual may not use or possess with intent to use drug paraphernalia to  
2           plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce,  
3           process, prepare, test, analyze, pack, repack, store, contain, or conceal marijuana in  
4           violation of chapter 19-03.1. ~~A person~~An individual violating this subsection is guilty of  
5           a class A misdemeanor.
- 6           4. ~~A person~~An individual may not use or possess with the intent to use drug  
7           paraphernalia to ingest, inhale, or otherwise introduce into the human body marijuana  
8           in violation of chapter 19-03.1. ~~A person~~An individual violating this subsection is guilty  
9           of a class B misdemeanor.
- 10          5. An individual sentenced to the legal and physical custody of the department of  
11          corrections and rehabilitation under this section may be placed in a drug and alcohol  
12          treatment program as designated by the department. Upon the successful completion  
13          of the drug and alcohol treatment program, the department shall release the individual  
14          from imprisonment to begin any court-ordered period of probation. If the individual is  
15          not subject to court-ordered probation, the court shall order the individual to serve the  
16          remainder of the sentence of imprisonment on supervised probation subject to the  
17          terms and conditions imposed by the court.
- 18          6. Probation under this section may include placement in another facility, treatment  
19          program, or drug court. If the individual is placed in another facility or treatment  
20          program upon release from imprisonment, the remainder of the sentence must be  
21          considered as time spent in custody.