

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 subdivision d of subsection 7 of section 19-03.1-23,
4 subsection 9 of section 19-03.1-23, and subsection 4 of section 19-03.4-03 of the North Dakota
5 Century Code, relating to penalties for the possession of marijuana, tetrahydrocannabinol, or
6 paraphernalia; and to provide a penalty.

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

8 **SECTION 1. AMENDMENT.** Subdivision d of subsection 7 of section 19-03.1-23 of the
9 North Dakota Century Code is amended and reenacted as follows:

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

11 (1) Marijuana:

12 (a) In an amount of less than one-half ounce [14.175 grams] is ~~guilty of~~
13 ~~an infraction~~ subject to a noncriminal citation.

14 (b) At least one-half ounce [14.175 grams] but not more than ~~500~~one
15 hundred grams of marijuana is guilty of ~~a class B misdemeanor~~ an
16 infraction.

17 (c) At least one hundred grams but not more that five hundred grams of
18 marijuana is guilty of a class B misdemeanor.

19 (d) ~~More than 500~~five hundred grams of marijuana is guilty of a class A
20 misdemeanor.

21 (2) Tetrahydrocannabinol:

22 (a) In an amount less than two grams is ~~guilty of an infraction~~ subject to a
23 noncriminal citation.

- 1 (b) At least two grams but not more than ~~six~~four grams of
2 tetrahydrocannabinol is guilty of ~~a class B misdemeanor~~an infraction.
- 3 (c) At least four grams but not more than six grams of
4 tetrahydrocannabinol is guilty of a class B misdemeanor.
- 5 (d) More than six grams of tetrahydrocannabinol is guilty of a class A
6 misdemeanor.

7 **SECTION 2. AMENDMENT.** Subsection 9 of section 19-03.1-23 of the North Dakota
8 Century Code is amended and reenacted as follows:

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

15 **SECTION 3.** A new section to chapter 19-03.1 of the North Dakota Century Code is created
16 and enacted as follows:

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

- 18 1. An individual cited under this chapter or under subsection 4 of section 19-03.4-03 with
19 a noncriminal marijuana, tetrahydrocannabinol, or paraphernalia violation is subject to
20 a noncriminal citation carrying a fee of up to one hundred fifty dollars. The individual
21 may:
- 22 a. Appear before the designated official and pay the statutory fee for the violation
23 charged at or before the time scheduled for a hearing; or
- 24 b. Forfeit bond by not appearing at the designated time, if the individual already
25 posted the bond.
- 26 2. If the individual is cited for a marijuana violation under state law and posts bond by
27 mail, the bond must be submitted within fourteen days of the date of the citation and
28 the individual cited shall indicate on the citation whether a hearing is requested. If the
29 individual:
- 30 a. Does not request a hearing within fourteen days of the date of the citation, the
31 bond is deemed forfeited and the violation admitted.

1 b. Requests a hearing, the court for the county in which the citation is issued shall
2 issue a summons to the individual requesting the hearing notifying the individual
3 of the date of the hearing before the designated official in accordance with this
4 section.

5 3. Upon appearing at the hearing scheduled in the citation or otherwise scheduled at the
6 individual's request, the individual may make a statement in explanation of the
7 individual's action. The official may at that time waive, reduce, or suspend the statutory
8 fee or bond, or both. If the individual cited follows the foregoing procedures, the
9 individual is deemed to have admitted the violation and to have waived the right to a
10 hearing on the issue of commission of the violation.

11 4. The bond required to secure appearance must be identical to the statutory fee for a
12 violation of this chapter or subsection 4 of section 19-03.4-03.

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

15 4. A person may not use or possess with the intent to use drug paraphernalia to ingest,
16 inhale, or otherwise introduce into the human body marijuana or tetrahydrocannabinol
17 or possess with the intent to use drug paraphernalia to store or contain marijuana or
18 tetrahydrocannabinol in violation of chapter 19-03.1. A person violating this subsection
19 is ~~guilty of an infraction~~ subject to a noncriminal citation.