

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
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:

- 1 (a) In an amount of less than one-half ounce [14.175 grams] is guilty of
2 an ~~infraction~~ subject to a noncriminal citation if the person is
3 eighteen~~twenty-one~~ years of age or older.
- 4 (b) In an amount of less than one-half ounce [14.175 grams] is guilty of
5 an infraction if the person is under ~~eighteen~~twenty-one years of age.
- 6 (c) ~~At least~~In an amount of at least one-half ounce [14.175 grams] but not
7 more than ~~500~~one hundred grams ~~of marijuana~~ is guilty of a class B
8 misdemeanor ~~an~~ infraction.
- 9 (e)(d) ~~At least~~In an amount of at least one hundred grams but not more
10 ~~that~~than five hundred grams ~~of marijuana~~ is guilty of a class B
11 misdemeanor.
- 12 (e) ~~More than~~In an amount of at least ~~500~~five hundred grams ~~of~~
13 ~~marijuana~~ is guilty of a class A misdemeanor.

14 (2) Tetrahydrocannabinol:

- 15 (a) In an amount less than two grams is guilty of an ~~infraction~~ subject to a
16 noncriminal citation if the person is ~~eighteen~~twenty-one years of age
17 or older.
- 18 (b) In an amount less than two grams is guilty of an infraction if the
19 person is under ~~eighteen~~twenty-one years of age.
- 20 (c) ~~At~~In an amount of at least two grams but not more than ~~six~~four grams
21 ~~of tetrahydrocannabinol~~ is guilty of a class B misdemeanor ~~an~~
22 infraction.
- 23 (e)(d) ~~At~~In an amount of at least four grams but not more than ~~six~~ grams of
24 ~~tetrahydrocannabinol~~ is guilty of a class B misdemeanor.
- 25 (e) ~~More than~~In an amount of at least six grams ~~of tetrahydrocannabinol~~
26 is guilty of a class A misdemeanor.

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

- 29 9. If a person pleads guilty or is found guilty of a first offense regarding possession of
30 ~~one ounce [28.35 grams] or less than five hundred grams~~ of marijuana or ~~two~~four
31 grams or less of tetrahydrocannabinol and a judgment of guilt is entered, a court, upon

1 motion, shall seal the court record of that conviction if the person is not subsequently
2 convicted within two years of a further violation of this chapter. Once sealed, the court
3 record may not be opened even by order of the court.

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

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

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

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

3 4. A person may not use or possess with the intent to use drug paraphernalia to ingest,
4 inhale, or otherwise introduce into the human body marijuana or tetrahydrocannabinol
5 or possess with the intent to use drug paraphernalia to store or contain marijuana or
6 tetrahydrocannabinol in violation of chapter 19-03.1. A person under eighteen years of
7 age violating this subsection is guilty of an infraction. A person eighteen years of age
8 or older violating this subsection is subject to a noncriminal citation.