

**2025 HOUSE JUDICIARY**

**HB 1596**

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1596  
2/17/2025

Relating to penalties for the possession of marijuana, tetrahydrocannabinol, or paraphernalia; and to provide a penalty.
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9:01 a.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Karls, Vice-Chairman Vetter, Representatives Christianson, Henderson, Johnston, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Representatives McLeod, Hoverson

## **Discussion Topics:**

- Penalties for multiple marijuana related infractions
- Penalties for minors in possession of marijuana

9:05 a.m. Representative Liz Conmy, North Dakota Representative for District 11, introduced the bill and provided testimony #37844 and #37849.

9:15 a.m. Jonathan Byers, North Dakota State's Attorneys, testified in favor.

9:17 a.m. Travis Finck, Executive Director at North Dakota Commission on Legal Counsel for Indigents, testified in favor.

9:22 a.m. Stephani Engebretson, Chiefs of Police Association of North Dakota, testified in opposition.

## **Additional written testimony:**

Bridget Spiddle, State Policies Department at the Marijuana Policy Project, submitted testimony in favor #37755

Kalyn Dewitt, Minot, North Dakota, submitted testimony in favor #37768

Melissa Podruchy, Minot, North Dakota, submitted testimony in favor #37778

Amanda Engelstad, Stark County State's Attorney at the Stark County State Attorney's Office, submitted testimony in favor #37795

Terri Hedman, Fargo, North Dakota, submitted testimony in favor #37800

Wyatt Smith, Minot, North Dakota, submitted testimony in favor #37825

9:26 a.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*



## Marijuana Policy Project's Support for HB 1596

Re: Testimony in support for HB 1596

February 14, /2025

Dear Chair Klemin, Vice Chair Karls, and distinguished members of the committee:

My name is Bridget Spiddle, and I work for the State Policies department at the Marijuana Policy Project. We support HB 1596 as an important move for fairness, justice, and proportionality and hope that you will please advance it out of committee.

Reducing penalties for possessing a half-ounce of marijuana from up to \$1,000, to up to \$150 will greatly ease the financial burden on North Dakotans. A 2025 Bankrate study [found](#) that 59% of Americans cannot afford an unexpected \$1,000 emergency expense. This level of a fine can have devastating consequences, even causing a person to lose their home. \$150 is still a very significant penalty, and is higher than North Dakota's fine for driving 50 miles above the speed limit.

Also, the changing of infractions from criminal to non-criminal is a commendable step in a positive direction. Criminal records have life-altering effects. Possession of small amounts of cannabis should not be a sentence that follows individuals for the rest of their lives.

With over 50% of the United States population residing in legalized states, it is fair to give North Dakotans the opportunity to at least not have their lives derailed for small amounts of cannabis. Lowering the infraction from criminal to a non-criminal citation allows individuals to still keep their jobs — and obtain new jobs — and to be able to continue their lives as contributing members of society.

Another positive aspect of this bill is it expands record sealing opportunities for first time possession offenses. The individual must have had no other infractions in the two years following the incident. This change gives folks the opportunity to redeem themselves if they have a clean record in two years. A criminal record seeps into every aspect of one's life (applying for jobs, apartments, loans, etc). Expanding eligibility for sealing ultimately benefits North Dakota's economy as a whole, and allows folks a well deserved chance at a fresh start to support their families.

Please support HB 1595 to have a more reasonable and proportionate penalty for cannabis possession, and to avoid ruining lives for conduct half of Americans have engaged in.

Sincerely,

A handwritten signature in black ink, reading "Bridget Spidle". The signature is written in a cursive, flowing style. The first name "Bridget" is on the top line, and the last name "Spidle" is on the bottom line, slightly overlapping the first name.

Kalyn Dewitt

1917 6th St NW

Minot (District 40)

HB 1596

I strongly favor this bill.

Reducing the criminal penalties for marijuana possession would benefit North Dakota as a whole.

It would save significant tax dollars each year. The cost of arresting, booking, prosecuting, and jailing these individuals is enormous. Issuing citations instead of making arrests would save hours of police time and tax payers dollars.

It would make our communities safer. Decriminalizing marijuana possession would free up police time so police officers can focus on violent crimes, property crimes, and people who drive under the influence of alcohol.

It would allow people to continue their lives. Every year we saddle people with a criminal record, which can have lifelong, disproportionate consequences, including preventing people from getting a job, student loans, a professional license, and housing. And even a short stint in jail can also be devastating. In addition to trauma, the disruption to one's schedule can result in the loss of a job, educational opportunities, and housing.

I urge you to vote yes on HB 1596

Melissa Podruchny

6400 Country Road 12 w

Minot (District 40)

HB 1596

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I urge you to vote yes on HB 1596

February 16, 2025

Testimony prepared for:  
House Judiciary Committee  
submitted via written testimony

**RE: Testimony in Support of House Bill 1596**

Dear Chairman Klemin and Members of the House Judiciary Committee:

I am writing today in support of House Bill 1596.

As the Stark County State's Attorney, I understand how small amount marijuana and marijuana paraphernalia cases can create quite a bit of work for law enforcement, prosecutors, and the courts. In Stark County, if an individual is charged with an infraction level marijuana charge, that individual must make an initial appearance at a set time and date. At the initial appearance the individual can elect to either plead guilty or proceed with a bench trial at a later date. If the case does not get resolved, a bench trial is scheduled, and the citing officer(s) is subpoenaed. My office does attempt to resolve the case prior to the bench trial date, but for many reasons, is not always successful. In my experience, many times the individual either fails to appear or pleads guilty at the bench trial. At this point in the process, court time has been set aside, the officer(s) have been subpoenaed and appeared, and the prosecutor has prepared to put on their case. This all takes time and resources.

In my experience, a good number of the individuals cited for marijuana infractions are individuals that don't reside here and are only passing through North Dakota. When cited, these individuals will have to make arrangements to come back to North Dakota for their initial appearance or attempt to appear via reliable electronic means. If they fail to appear a bench warrant is issued. This again causes more paperwork and more disruption to an already busy court system.

Allowing law enforcement to issue a citation with a set fine amount to an individual found to be in possession of a small amount of marijuana or marijuana paraphernalia promotes judicial efficiency and economy. It will allow that individual to simply pay the set fine and be on their way, while still leaving open the option of a court hearing. Similar to a traffic ticket, in order to proceed with a court hearing, the individual must pay the fine (bond) amount. If the individual then fails to appear for the requested court hearing, the fine (bond) amount is simply forfeited. This will save time and resources.

In conclusion, this bill will free up prosecutor's time, law enforcement's time, and the court dockets. It strikes the right balance between holding an individual accountable for possession of small amounts of marijuana and marijuana paraphernalia, who, may have bought those products legally in another state, while not placing a large burden on the criminal justice system.

Thank you for your time and consideration.

*Amanda R. Engelstad*

Amanda R. Engelstad  
Stark County State's Attorney  
AEngelstad@starkcountynd.gov



Terri Hedman, 5524 16 Street South, Fargo, ND 58104

Support HB 1596

Dear Committee and Chairperson:

Thank you for considering legislation to reduce punishment for crimes associated with marijuana, THC, or paraphernalia related to these. Advantages of this legislation will include decreased time and costs for law enforcement and court systems. It is concerning that convictions may cause a young person to lose opportunities for education, jobs, or housing for possessing small amounts of marijuana. For some, this may be their first contact with the criminal justice system, which will lead to fear and loss of trust.

Please support HB 1596

Terri Hedman

5524 16 Street South

Fargo, ND 58104

My name is Wyatt Smith and I am providing testimony as a private citizen. I have worked as a Sheriff's Deputy for 5 years in North Dakota. 1596 is a common-sense change to benefit our law enforcement resources and keep our communities safer in turn by increasing police presence.

This may come across as marijuana "decriminalization" but we already have had that since 2019 when possession of less than 1/2 OZ and paraphernalia became an infraction (fine with no possible jail time). Infractions require the court to determine the fine. Most fines are already around \$150 when people plead guilty and almost nobody fights marijuana infractions. This bill will simply allow law enforcement to issue the \$150 fine themselves on the side of the road.

This will save many officers

1-2 hours of paperwork for each offense since they will no longer have to pull a full case report to prepare for the court every time they charge it out. This may also very well increase enforcement since there will not be as much fatigue and burnout from officers if they simply can write a citation for the violation as opposed to racking up hours of paperwork currently for a small fine.

If someone is only charged with a marijuana infraction right now, as is, the contact always ends with the violator walking or driving away, no different than when you receive a speeding ticket. However, your citation has a mandatory court date on it and a great deal of paperwork is required from the officer. I believe it makes sense that if the violator carries about their day, the police should be able to mirror that. If someone does not go to jail, the police should not be taken off the street.

Essentially, the marijuana punishment will not change. The only thing changing is the procedure, in a positive direction.

We should keep our police officers

on the street to provide presence to deter much bigger issues like shoplifting and aggressive driving. They should also be free to recognize people with warrants, interdict deadly drugs like fentanyl, and be close by to respond faster to emergencies.

Thank you for your consideration.



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Liz Conmy

District 11  
1612 Ninth Street South  
Fargo, ND 58103-4119

C: 701-793-6409

[lconmy@ndlegis.gov](mailto:lconmy@ndlegis.gov)

## COMMITTEES:

Education  
Energy and Natural Resources

February 17, 2025

Chair Klemin, Vice Chair Karls, Vice Chair Vetter and members of the Judiciary Committee,

HB 1596 is the result of suggestions from State's Attorney's in Cass County, Stark County, and others regarding the congestion in our State's attorney offices, our judicial services, and also the overwhelming demands on law enforcement professionals when it comes to dealing with small amounts of marijuana.

To give you an idea of the magnitude of marijuana offenses, between January 1, 2021, and December 31, 2024, four years, in North Dakota there were:

- 8,676 marijuana charges
- 7,365 cases opened
- 17,033 hearings
- 2,357 cases with a public defender appointed.
- and all of these cases were handed by our State's Attorneys.

So, that averages out to 2,169 each year  
About 1,800 cases opened each year and  
4,258 hearings each year.

Of these in 2024, 94% were cases involving the least charges.

Right now, a marijuana infraction involves three court dates: the initial appearance, the pre-trial appearance, and trial.

Our judges and courts are overwhelmed, and HB 1596 makes the least of these marijuana offenses a noncriminal citation— so it is still a deterrent, but it takes some of the burden off of our law enforcement officers, our state's attorneys, our indigent defense attorneys, and the courts and judges.

Here are some of the details:

**Section 1:** Makes ingestion of marijuana or tetrahydrocannabinol an infraction for people under 18 years of age. This section amends the age down from 21 to 18, decriminalizing ingestion of marijuana or tetrahydrocannabinol for persons 18 years of age and older. This aligns with the age classifications in section 2 of the bill.

**Section 2:** Marijuana and tetrahydrocannabinol graduated possession offenses. The bill keeps possession of anything over 500 grams of marijuana or 6 grams of tetrahydrocannabinol a class A misdemeanor offense, but moves the infraction amounts down to a noncriminal citation and splits the previously class B misdemeanor offenses into an infraction level, keeping the top end at a class B misdemeanor. This means that the higher level, class A misdemeanor amounts remain the same in quantity and have the same maximum penalty as currently in statute.

**(1) Marijuana**

- (a) Makes the lowest possession range of less than  $\frac{1}{2}$  ounce marijuana a noncriminal citation for persons 18 years of age and older. New adjudication process in section 2 of the bill, but similar in essence to a traffic citation
- (b) Keeps the lowest possession range of less than  $\frac{1}{2}$  ounce for individuals under 18 years of age an infraction, allowing juvenile court to retain jurisdiction. Allowing the juvenile courts to maintain jurisdiction helps protect the records of juveniles and can ease in helping the individual access additional juvenile court resources.
- (c) Splits the previously second graduated range, making the possession of less than 100 grams an infraction
- (d) Keeps the cap for a B misdemeanor offense at less than 500 grams of marijuana
- (e) Possession of more than 500 grams of marijuana remains a Class A misdemeanor

**(2) Tetrahydrocannabinol**

- a. Makes the lowest possession range of less than 2 grams of tetrahydrocannabinol a noncriminal citation for persons 18 years of age and older. New adjudication process in section 2 of the bill, but similar in essence to a traffic citation.
- b. Keeps the lowest possession range of less than 2 grams of tetrahydrocannabinol for persons under 18 years of age an infraction, allowing juvenile court to retain jurisdiction. Allowing the juvenile courts to maintain jurisdiction helps protect the records of juveniles and can ease in helping the individual access additional juvenile court resources.
- c. Splits the previously second graduated range, making the possession of less than 4 grams of tetrahydrocannabinol an infraction
- d. Keeps the cap for a B misdemeanor offense at less than 6 grams 4 grams of tetrahydrocannabinol
- e. More than 6 grams of tetrahydrocannabinol remains a Class A misdemeanor

**Section 3:** Increases threshold in sealing of a court record to align with the new class B amount, allowing the records of a first possession offense to be sealed in the even that no further convictions are received within two years. This creates an avenue for persons who are convicted of a Class B possession offense or less to have the criminal conviction removed



from their record provided that they occur no further offenses within two years of the first conviction.

**Section 4:** This section outlines the adjudication process for a noncriminal marijuana or tetrahydrocannabinol citation. The section mirrors the existing process for traffic violations, setting the fine at \$150 dollars. A person has the option to request a hearing or to pay the statutory fee within 14 days of the violation. A hearing allows the person to make a statement or explanation of the violation, operating traditionally like traffic court, which is an expedited and simplified court process requiring less time and resources. In order to request a hearing, bond must be posted in an amount of \$150. If the individual does not appear for the requested hearing, the bond is forfeited, and the violation is deemed admitted.

**Section 5:** Makes the possession of marijuana or tetrahydrocannabinol paraphernalia a noncriminal citation for persons 18 years of age and older. Possession of marijuana or tetrahydrocannabinol paraphernalia by a person under 18 years of age remains an infraction.

Note that we have added amendments to separate juvenile offenses so that they remain an infraction, so juvenile courts retain jurisdiction.

Please note that one of the sponsors of this bill is our colleague, a former Burleigh County Sheriff.

And we have the support of

- North Dakota Association of Criminal Defense Lawyers
- North Dakota States Attorney's Association
- Indigent Defense Commission

This bill is a product of all of the above and we feel it accomplishes our goals easing the backlog yet continuing to be deterrent.

I stand for any questions.

25.1054.01002  
Title.

Prepared by the Legislative Council  
staff for Representative Conmy  
February 14, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### 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:

(a) In an amount of less than one-half ounce [14.175 grams] is guilty of an ~~infraction~~ subject to a noncriminal citation if the person is eighteen years of age or older.

(b) In an amount of less than one-half ounce [14.175 grams] is guilty of an infraction if the person is under eighteen years of age.

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

~~(e)~~(d) At least one hundred grams but not more than five hundred grams of marijuana is guilty of a class B misdemeanor.

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

(2) Tetrahydrocannabinol:

(a) In an amount less than two grams is ~~guilty of an infraction~~ subject to a noncriminal citation if the person is eighteen years of age or older.

(b) In an amount less than two grams is guilty of an infraction if the person is under eighteen years of age.

~~(c)~~ At least two grams but not more than ~~six~~four grams of tetrahydrocannabinol is guilty of a ~~class B misdemeanor~~ infraction.

~~(e)~~(d) At least four grams but not more than six grams of tetrahydrocannabinol is guilty of a class B misdemeanor.

~~(d)~~(e) More than six grams of tetrahydrocannabinol is guilty of a class A misdemeanor.

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

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

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

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

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

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



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

# 2025 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1596  
2/17/2025

Relating to penalties for the ingestion and possession of marijuana, tetrahydrocannabinol, or paraphernalia; and to provide a penalty.

3:21 p.m. Chairman Klemin opened the hearing.

Members Present: Chairman Klemin, Vice-Chairman Vetter, Representatives Christianson, Henderson, Hoverson, Johnston, S. Olson, Satrom, Tveit, VanWinkle, Wolff, Schneider

Members Absent: Vice-Chairman Karls, Representative McLeod

## **Discussion Topics:**

- Penalties for repeat marijuana possession offenses
- Current penalties for marijuana possession

3:29 p.m. Representative Vetter Moved to Amend LC #25.1054.01002, testimony #37913.

3:29 p.m. Representative Wolff seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	A
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	A
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	N
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

3:37 p.m. Motion passed 11-1-2

3:37 p.m. Representative Vetter moved a Do Pass as Amended

3:37 p.m. Representative VanWinkle seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	A
Representative Steve Vetter	Y
Representative Nels Christianson	Y
Representative Donna Henderson	Y
Representative Jeff Hoverson	Y
Representative Daniel Johnston	Y
Representative Carrie McLeod	A
Representative SuAnn Olson	Y
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Bill Tveit	N
Representative Lori VanWinkle	Y
Representative Christina Wolff	Y

3:42 p.m. Motion passed 11-1-2

3:42 p.m. Representative Vetter will carry the bill.

**Additional written testimony:**

Representative Liz Conmy, North Dakota Representative for District 11, submitted testimony in favor #37913

3:42 p.m. Chairman Klemin closed the hearing.

*Wyatt Armstrong, Committee Clerk*

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

**HOUSE BILL NO. 1596**

Introduced by

Representatives Conmy, Dobervich, Foss, Murphy, M. Ruby, Vetter, Hendrix, Heinert  
Senators Braunberger, Boschee

2-17-25

JB 1084

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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.

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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.

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17 d. A person who violates this subsection by possessing:  
18 (1) Marijuana:

JB 244

- 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 eighteen  
3 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 years of age.
- 6 (c) At least one-half ounce [14.175 grams] but not more than ~~500~~ one  
7 hundred grams of marijuana is guilty of ~~a class B misdemeanor~~ an  
8 infraction.
- 9 ~~(e)~~ (d) At least one hundred grams but not more than five hundred grams of  
10 marijuana is guilty of a class B misdemeanor.
- 11 ~~(d)~~ (e) More than ~~500~~ five hundred grams of marijuana is guilty of a class A  
12 misdemeanor.

13 (2) Tetrahydrocannabinol:

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

24 **SECTION 3. AMENDMENT.** Subsection 9 of section 19-03.1-23 of the North Dakota  
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27 ~~one ounce [28.35 grams]~~ or less than five hundred grams of marijuana or ~~two~~ four  
28 grams or less of tetrahydrocannabinol and a judgment of guilt is entered, a court, upon  
29 motion, shall seal the court record of that conviction if the person is not subsequently  
30 convicted within two years of a further violation of this chapter. Once sealed, the court  
31 record may not be opened even by order of the court.



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

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

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

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

AB 404

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

**REPORT OF STANDING COMMITTEE  
HB 1596**

**Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS** ([25.1054.01002](#)) and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT OR EXCUSED AND NOT VOTING). HB 1596 was placed on the Sixth order on the calendar.



25.1054.01002  
Title.

Prepared by the Legislative Council  
staff for Representative Conmy  
February 14, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### 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:

(a) In an amount of less than one-half ounce [14.175 grams] is guilty of an ~~infraction~~ subject to a noncriminal citation if the person is eighteen years of age or older.

(b) In an amount of less than one-half ounce [14.175 grams] is guilty of an infraction if the person is under eighteen years of age.

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

~~(e)~~(d) At least one hundred grams but not more than five hundred grams of marijuana is guilty of a class B misdemeanor.

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

(2) Tetrahydrocannabinol:

(a) In an amount less than two grams is ~~guilty of an infraction~~ subject to a noncriminal citation if the person is eighteen years of age or older.

(b) In an amount less than two grams is guilty of an infraction if the person is under eighteen years of age.

~~(c)~~ At least two grams but not more than ~~six~~four grams of tetrahydrocannabinol is guilty of a ~~class B misdemeanor~~ infraction.

~~(e)~~(d) At least four grams but not more than six grams of tetrahydrocannabinol is guilty of a class B misdemeanor.

~~(d)~~(e) More than six grams of tetrahydrocannabinol is guilty of a class A misdemeanor.

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

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

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

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

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

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

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

**2025 SENATE JUDICIARY**

**HB 1596**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee Peace Garden Room, State Capitol

HB 1596  
4/7/2025

Relating to penalties for the ingestion and possession of marijuana, tetrahydrocannabinol, or paraphernalia; and to provide a penalty.

11:00 a.m. Chair Larson opened the hearing.

Members present:

Chair Larson, Vice Chairman Paulson, Senators: Castaneda, Cory, Luick, Myrdal, Braunberger.

### Discussion Topics:

- Law enforcement resource allocation
- Criminal versus non-criminal citations
- Juvenile jurisdiction and offenses
- Court system efficiency

11:01 a.m. Representative Liz A. Conmy, ND Legislature, District 11, introduced the bill and submitted testimony in favor #44703.

11:06 a.m. Travis Finck, Executive Director, ND Commission on Legal Counsel for Indigents, testified in favor.

11:21 a.m. Stephanie Engebretson, Chief of Police Association, testified in opposition and submitted testimony #44739.

11:23 a.m. Jason Kraft, Captain, Ward County Sheriff's Department, testified in opposition and submitted testimony #44706.

11:29 a.m. Donnell Preskey, Executive Director of the ND Sheriff's & Deputies Association and Staff of NDACo, testified in opposition.

11:31 a.m. Chair Larson closed the hearing.

11:32 a.m. Senator Castaneda moved a Do Not Pass.

11:32 a.m. Senator Luick seconded the motion.

Senators	Vote
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Ryan Braunberger	N
Senator Jose L. Casteneda	Y
Senator Claire Cory	N
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion Passed 5-2-0.

11:36 a.m. Senator Myrdal will carry the bill.

11:37 a.m. Committee discussion on upcoming schedule.

**Additional written testimony:**

Kimberlee J. Hegvik, Cass County State's Attorney's Office, submitted testimony in favor #44723.

11:38 a.m. Chair Larson closed the hearing.

*Kendra McCann, Committee Clerk*

**REPORT OF STANDING COMMITTEE  
ENGROSSED HB 1596 ([25.1054.02000](#))**

**Judiciary Committee (Sen. Larson, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1596 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.





# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Liz Conmy

District 11  
1612 Ninth Street South  
Fargo, ND 58103-4119  
C: 701-793-6409  
[lconmy@ndlegis.gov](mailto:lconmy@ndlegis.gov)

## COMMITTEES:

Education  
Energy and Natural Resources

April 6, 2025

Chair Larson, Vice Chair Paulson, and members of the Judiciary Committee,

HB 1596 is the result of suggestions from State's Attorneys in Cass County, Stark County, and others regarding the congestion in our State's attorney offices, our judicial services and courtrooms, and also the overwhelming demands on law enforcement professionals when it comes to dealing with small amounts of marijuana.

To give you an idea of the magnitude of time, energy, and resources expended, between January 1, 2021, and December 31, 2024, four years, in North Dakota there were:

- 8,676 marijuana charges
- 7,365 cases opened
- 17,033 hearings
- 2,357 cases with a public defender appointed.
- and all of these cases were handed by our State's Attorneys.

That averages out to 2,169 charges each year, or about 1,800 cases opened each year, and **4,258 hearings each year**.

Of these in 2024, over 90% were cases involving the least charges.

Right now, a marijuana infraction involves three court dates: the initial appearance, the pre-trial appearance, and trial.

HB 1596 makes the least of these marijuana offenses a noncriminal citation, so it is still a deterrent, requires the same fine, but it takes some of the burden off of our law enforcement officers, our states attorneys, our indigent defense attorneys, and the courts and judges.

Here are some of the details:

Under Marijuana

- A. Less than 1/2 oz. Like a speeding ticket. Noncriminal citation—up to \$150.
- B. Infraction—1/2 ounce is an infraction and would require a court date
- C. 100 Grams to 300 would be a Class B misdemeanor, requiring a court date resulting, if guilty, in 30 days jail, fine of \$1500 or both
- D. More than 500 grams, Class A misdemeanor, 360 day jail, fine of \$3000 or both

#### Tetrahydrocannabinol, or THC

- A. Less than 2 grams, noncriminal citation
- B. Two to 4 grams, infraction
- C. 4-6 grams class B misdemeanor
- D. 6 grams, class A misdemeanor

#### Paraphernalia

1. Noncriminal citation: fee up to \$150, appear/pay by 14 days. Forfeit bond by not appearing
2. If bond posted by mail, 14 days, indicate hearing request or not.
3. Request a hearing
4. At hearing, official can waive, reduce or suspend the bond or both

#### Section 4; paraphernalia —Noncriminal citation.

Note that we have added amendments to separate juvenile offenses so that they remain an infraction, so juvenile courts retain jurisdiction.

Please note that one of the sponsors of this bill is our colleague, a former Burleigh County Sheriff.

And, we have the support of the:

- North Dakota Association of Criminal Defense Lawyers
- North Dakota States Attorney's Association
- Indigent Defense Commission

This bill is a product of all of the above and we feel it accomplishes our goals easing the backlog yet continuing to be deterrent.

Thank you Chair Larson and committee, and I encourage you to pass HB 1596.

I stand for any questions, and if I can't answer, we can ask the attorneys.



## Sheriff's Department



Robert Roed  
Sheriff

April 7<sup>th</sup>, 2025

Chair Larson and members of the committee,

For the record my name is Jason Kraft, I am a Captain at the Ward County Sheriff's Department in Minot, and I am providing testimony in opposition of HB 1596.

The position of our agency is based upon the fact that this bill will decriminalize a schedule 1 controlled substance after 52.5% of the people voted on November 5<sup>th</sup>, 2024 to reject legalization. The measure was exactly 18,000 votes short. This is the third time voters have rejected recreational use since 2018.

In 2024, the Ward County Sheriff's Department made 84 arrests for simple marijuana possession. We made 103 for unlawful consumption of alcohol. Both are currently infractions.

We would also like you to consider the following situation if this bill becomes law. Two college students are riding in a vehicle that gets pulled over, both 20 years old. The first student has a couple of beers with them. The second student has a few joints. The student with the beer will be cited with a criminal infraction and have to appear in court, despite the fact that in less than a year they'll be able to possess alcohol lawfully. Student one will now have a criminal record. Student two. They receive a non-criminal citation, don't have to go to court and simply have to pay a \$150 fine. Their marijuana possession will not show up on a criminal history records check like the alcohol infraction will, even though in a year, marijuana will still be illegal to possess. This simply sends the wrong message. Marijuana should not be given a lesser penalty than possession of alcohol by a person under 21 years of age.

The way we currently handle these infractions in our jurisdiction imposes a minimal burden on the courts for simple possession. When they are cited for the infraction, we provide the arrestee a copy of what's called Rule 43 paperwork. This is paperwork from our State's Attorney that sets forth an agreement between the arrestee and the State's Attorney to accept a written guilty plea in exchange for a \$150 fine. All the person must do is take this paperwork to the State's Attorney, sign it, and then pay the \$150 fine.

This process respects the vote of the people that once again rejected the use of marijuana in our society while also avoiding disparity in penalties, and promoting judicial economy.

Sincerely,

Jason Kraft, Captain  
Ward County Sheriff's Department

April 7, 2025

**Testimony in Support of House Bill 1596**

Chairwoman Larson and members of the Senate Judiciary Committee,

My name is Kimberlee J. Hegvik, and I am the elected State's Attorney in Cass County. Prior to my election in 2022, I served as an Assistant Cass County State's Attorney for nearly 17 years.

Today I am here to voice my support for HB 1596.

The Court system in North Dakota is extremely busy, handling thousands of cases each year. Currently, cases involving small amounts of marijuana and paraphernalia used to prepare and ingest it take time from dockets that are also handling serious violent crimes. They take time from prosecution offices that do not have infinite resources. They take time from law enforcement officers who must investigate these cases, testify in hearings and trials, and serve warrants for failure to appear on marijuana and paraphernalia charges. Marijuana offenders also take up jail space if they must spend time in custody. In contrast, making these offenses functionally equivalent to traffic tickets and giving offenders the option to pay fines in lieu of appearing in court cuts down on criminal justice system resources significantly. This bill promotes judicial efficiency and economy, allowing the criminal justice system to focus on more serious crimes and behaviors that impact the safety of our communities while still holding people accountable for possessing small amounts of marijuana and marijuana paraphernalia.

Thank you for your time and consideration.

Sincerely,

Kimberlee J Hegvik  
Cass County State's Attorney

April 7, 2025  
Senate Judiciary Committee  
HB 1596  
Senator Diane Larson, Chair

For the record, I am Stephanie Dassinger Engebretson. I am appearing on behalf of the Chiefs of Police Association of North Dakota. I am also the deputy director and attorney for the North Dakota League of Cities.

The Chiefs of Police appear in opposition to HB 1596. The bill turns the penalty from a criminal infraction to a non-criminal \$150 fee for possession of less than one-half ounce of marijuana or Tetrahydrocannabinol (THC) if the individual is over eighteen years old. First, this appears to be a move towards legalization of marijuana which the voters defeated in November.

Second, for individuals who are 19 or 20, under this bill, for possession of a small amount of marijuana, it would be a non-criminal \$150 fine. Whereas, if that same 19 or 20 year is cited for possession of alcohol, he or she would be subject to a criminal infraction with up to a \$1,000 fine. This bill, as written, creates disparity between how alcohol and marijuana possession is treated for young adults.

The Chiefs of Police respectfully request a Do Not Pass recommendation on HB 1596 because it goes against the will of the voters by taking a step towards legalizing possession of marijuana and it creates an odd situation for possession of marijuana and alcohol for young adults.