

**HOUSE BILL NO. 1341**

Introduced by

Representative Rick C. Becker

1 A BILL for an Act to amend and reenact subsections 3 and 7 of section 19-03.1-23 and  
2 subsection 1 of section 19-03.1-23.1 of the North Dakota Century Code, relating to the  
3 elimination of enhanced penalties for manufacturing, delivering, or possessing controlled  
4 substances near schools.

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

6 **SECTION 1. AMENDMENT.** Subsection 3 of section 19-03.1-23 of the North Dakota  
7 Century Code is amended and reenacted as follows:

- 8 3. a. For second or subsequent ~~offenders~~offenses, in addition to any other penalty  
9 imposed under this section, aif the person who violates this chapter,~~except a~~  
10 ~~person who manufactures, delivers, or possesses with the intent to manufacture~~  
11 ~~or deliver marijuana, was at least twenty-one years of age at the time of the~~  
12 offense, and delivered a controlled substance to a person under the age of  
13 eighteen, the person is subject to, and the court shall impose, ~~the following~~  
14 ~~penalties to run consecutively to any other sentence imposed:~~
- 15 a. ~~Any person, eighteen years of age or older, who violates this section by willfully~~  
16 ~~manufacturing, delivering, or possessing with intent to manufacture or deliver a~~  
17 ~~controlled substance in or on, or within one thousand feet [300.48 meters] of the~~  
18 ~~real property comprising a public or private elementary or secondary school or a~~  
19 ~~public career and technical education school is subject to an eight year term of~~  
20 ~~imprisonment.~~
- 21 b. ~~If the defendant was at least twenty-one years of age at the time of the offense,~~  
22 ~~and delivered a controlled substance to a person under the age of eighteen, the~~  
23 ~~defendant must be sentenced to a term of imprisonment for~~ at least eight years  
24 which is to run consecutively to any other sentence imposed.



- 1            eb.    The offense involved:
- 2                   (1)   Fifty grams or more of a mixture or substance containing a detectable
- 3                               amount of heroin;
- 4                   (2)   Fifty grams or more of a mixture or substance containing a detectable
- 5                               amount of:
- 6                               (a)   Coca leaves, except coca leaves and extracts of coca leaves from
- 7                                       which cocaine, ecgonine, and derivatives of ecgonine or their salts
- 8                                       have been removed;
- 9                               (b)   Cocaine, its salts, optical and geometric isomers, and salts of
- 10                                       isomers;
- 11                               (c)   Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
- 12                               (d)   Any compound, mixture, or preparation that contains any quantity of
- 13                                       any of the substance referred to in subparagraphs a through c;
- 14                   (3)   Five grams or more of a mixture or substance described in paragraph 2
- 15                               which contains cocaine base;
- 16                   (4)   Ten grams or more of phencyclidine or one hundred grams or more of a
- 17                               mixture or substance containing a detectable amount of phencyclidine;
- 18                   (5)   One gram, one hundred dosage units, or one-half liquid ounce or more of a
- 19                               mixture or substance containing a detectable amount of lysergic acid
- 20                               diethylamide;
- 21                   (6)   Forty grams or more of a mixture or substance containing a detectable
- 22                               amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or ten
- 23                               grams or more of a mixture or substance containing a detectable amount of
- 24                               any analog of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide;
- 25                   (7)   Fifty grams or more of a mixture or substance containing a detectable
- 26                               amount of methamphetamine;
- 27                   (8)   Ten grams, one hundred dosage units, or one-half liquid ounce or more of a
- 28                               mixture or substance containing a detectable amount of
- 29                               3,4-methylenedioxy-N-methylamphetamine, C<sub>11</sub>H<sub>15</sub>NO<sub>2</sub>;
- 30                   (9)   One hundred dosage units or one-half liquid ounce of a mixture or
- 31                               substance containing a detectable amount of gamma-hydroxybutyrate or

- 1                           gamma-butyrolactone or 1,4 butanediol or any substance that is an analog  
2                           of gamma-hydroxybutyrate;  
3                   (10) One hundred dosage units or one-half liquid ounce of a mixture or  
4                           substance containing a detectable amount of flunitrazepam; or  
5                   (11) Five hundred grams or more of marijuana; or  
6           ec. The defendant had a firearm in the defendant's actual possession at the time of  
7                           the offense.