

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

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