

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1050

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

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