



General Assembly

Substitute Bill No. 349

January Session, 2009

* SB00349JUD 040209 *

**AN ACT CONCERNING THE PENALTY FOR POSSESSION OF A
SMALL AMOUNT OF MARIJUANA.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) Any person eighteen
2 years of age or older who possesses or has under his control less than
3 one-half ounce of a cannabis-type substance as defined in section 21a-
4 240 of the general statutes, except as authorized in chapter 420b of the
5 general statutes, shall be fined two hundred fifty dollars.

6 Sec. 2. Subsection (c) of section 21a-279 of the general statutes is
7 repealed and the following is substituted in lieu thereof (*Effective*
8 *October 1, 2009*):

9 (c) Any person who possesses or has under his control any quantity
10 of any controlled substance other than a narcotic substance, or a
11 hallucinogenic substance other than marijuana or, [who] if such person
12 is under eighteen years of age, possesses or has under his control less
13 than four ounces of a cannabis-type substance or, if such person is
14 eighteen years of age or older, possesses or has under his control one-
15 half ounce or more but less than four ounces of a cannabis-type
16 substance, except as authorized in this chapter, for a first offense, may
17 be fined not more than one thousand dollars or be imprisoned not
18 more than one year, or be both fined and imprisoned; and for a

19 subsequent offense, may be fined not more than three thousand dollars
20 or be imprisoned not more than five years, or be both fined and
21 imprisoned.

22 Sec. 3. Subsection (b) of section 51-164n of the general statutes is
23 repealed and the following is substituted in lieu thereof (*Effective*
24 *October 1, 2009*):

25 (b) Notwithstanding any provision of the general statutes, any
26 person who is alleged to have committed (1) a violation under the
27 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
28 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
29 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,
30 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
31 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
32 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
33 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
34 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
35 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
36 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
37 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
38 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
39 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
40 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
41 14-153 or 14-163b, a first violation as specified in subsection (f) of
42 section 14-164i, section 14-219 as specified in subsection (e) of said
43 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
44 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
45 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
46 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,
47 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section
48 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,
49 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,
50 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,
51 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section

52 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,
53 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,
54 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
55 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,
56 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341l, 20-
57 597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-
58 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,
59 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-
60 79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-
61 34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-
62 49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-
63 280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e)
64 of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415,
65 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of
66 section 22a-256h, subsection (a) of section 22a-381d, section 22a-449,
67 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-
68 65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54,
69 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131,
70 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294,
71 28-13, 29-6a, 29-109, 29-143o, 29-143z, 29-156a, subsection (b), (d), (e) or
72 (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243,
73 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11,
74 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32,
75 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-
76 52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74,
77 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273,
78 section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision
79 (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34,
80 46b-38dd, 46b-38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, or
81 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-
82 321, 53-322, 53-323, 53-331, 53-344 or 53-450, or section 1 of this act, or
83 (2) a violation under the provisions of chapter 268, or (3) a violation of
84 any regulation adopted in accordance with the provisions of section
85 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance,
86 regulation or bylaw of any town, city or borough, except violations of

87 building codes and the health code, for which the penalty exceeds
88 ninety dollars but does not exceed two hundred fifty dollars, unless
89 such town, city or borough has established a payment and hearing
90 procedure for such violation pursuant to section 7-152c, shall follow
91 the procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	21a-279(c)
Sec. 3	<i>October 1, 2009</i>	51-164n(b)

JUD *Joint Favorable Subst.*