



**Substitute Senate Bill No. 1014**

**Public Act No. 11-71**

**AN ACT CONCERNING THE PENALTY FOR CERTAIN  
NONVIOLENT DRUG OFFENSES.**

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

Section 1. (NEW) (*Effective July 1, 2011*) (a) Any person who possesses or has under his control less than one-half ounce of a cannabis-type substance, as defined in section 21a-240 of the general statutes, except as authorized in chapter 420b of the general statutes, shall (1) for a first offense, be fined one hundred fifty dollars, and (2) for a subsequent offense, be fined not less than two hundred dollars or more than five hundred dollars.

(b) The law enforcement officer issuing a complaint for a violation of subsection (a) of this section shall seize the cannabis-type substance and cause such substance to be destroyed as contraband in accordance with law.

Sec. 2. Subsection (c) of section 21a-279 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(c) Any person who possesses or has under his control any quantity of any controlled substance other than a narcotic substance, or a hallucinogenic substance other than marijuana or who possesses or has

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under his control one-half ounce or more but less than four ounces of a cannabis-type substance, except as authorized in this chapter, (1) for a first offense, may be fined not more than one thousand dollars or be imprisoned not more than one year, or be both fined and imprisoned; and (2) for a subsequent offense, may be fined not more than three thousand dollars or be imprisoned not more than five years, or be both fined and imprisoned.

Sec. 3. Section 21a-267 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) No person shall use or possess with intent to use drug paraphernalia, as defined in subdivision (20) of section 21a-240, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal, or to ingest, inhale or otherwise introduce into the human body, any controlled substance, as defined in subdivision (9) of section 21a-240, other than a cannabis-type substance in a quantity of less than one-half ounce. Any person who violates any provision of this subsection shall be guilty of a class C misdemeanor.

(b) No person shall deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal, or to ingest, inhale or otherwise introduce into the human body, any controlled substance, other than a cannabis-type substance in a quantity of less than one-half ounce. Any person who violates any provision of this subsection shall be guilty of a class A misdemeanor.

(c) Any person who violates subsection (a) or (b) of this section in or on, or within one thousand five hundred feet of, the real property

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comprising a public or private elementary or secondary school and who is not enrolled as a student in such school shall be imprisoned for a term of one year which shall not be suspended and shall be in addition and consecutive to any term of imprisonment imposed for violation of subsection (a) or (b) of this section.

(d) No person shall (1) use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal, or to ingest, inhale or otherwise introduce into the human body, less than one-half ounce of a cannabis-type substance, or (2) deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal, or to ingest, inhale or otherwise introduce into the human body, less than one-half ounce of a cannabis-type substance. Any person who violates any provision of this subsection shall have committed an infraction.

Sec. 4. Section 14-111e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(a) The Commissioner of Motor Vehicles shall suspend, for a period of one hundred fifty days, the motor vehicle operator's license or nonresident operating privilege of any person under the age of twenty-one who has been convicted of a violation of section 30-88a involving the misuse of an operator's license. The commissioner shall suspend, for a period of sixty days, the motor vehicle operator's license or nonresident operating privilege of any person under the age of twenty-one who has been convicted of a violation of subdivision (1) of subsection (b) of section 30-89, section 1 of this act or subsection (d) of section 21a-267, as amended by this act. The commissioner shall

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suspend, for a period of thirty days, the motor vehicle operator's license or nonresident operating privilege of any person under the age of twenty-one who has been convicted of a violation of subdivision (2) of subsection (b) of section 30-89. The commissioner shall conform any suspension for violation of section 30-89 that is in effect on June 25, 2007, to comply with the provisions of this section.

(b) Any person under the age of twenty-one who has not been issued a motor vehicle operator's license under section 14-36 and who has been convicted of a violation of section 30-88a involving the misuse of an operator's license, section 30-89 involving the purchase and possession of alcoholic liquor by a minor, [or] subsection (e) of section 1-1h involving the misuse of an identity card, section 1 of this act or subsection (d) of section 21a-267, as amended by this act, shall not be issued a new operator's license by the commissioner under section 14-36 until a period of one hundred fifty days has elapsed from the date all applicable requirements for any such license have been satisfied by the applicant.

Sec. 5. Subsections (g) and (h) of section 51-164n of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(g) In any trial for the alleged commission of an infraction, the practice, procedure, rules of evidence and burden of proof applicable in criminal proceedings shall apply, except that in any trial for the alleged commission of an infraction under subsection (d) of section 21a-267, as amended by this act, the burden of proof shall be by the preponderance of the evidence. Any person found guilty at the trial or upon a plea shall be guilty of the commission of an infraction and shall be fined not less than thirty-five dollars or more than ninety dollars or, if the infraction is for a violation of any provision of title 14, not less than fifty dollars or more than ninety dollars.

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(h) In any trial for the alleged commission of a violation specified in subsection (b) of this section, the practice, procedure, rules of evidence and burden of proof applicable in criminal proceedings shall apply, except that in any trial for the alleged commission of a violation under section 1 of this act, the burden of proof shall be by the preponderance of the evidence. Any person found guilty at the trial or upon a plea shall be guilty of the commission of a violation and shall be fined not more than the statutory amount applicable to such violation.

Sec. 6. Subsection (b) of section 51-164n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,

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14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-381d, 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-

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230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or section 1 of this act, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 7. Subdivision (5) of section 46b-120 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(5) (A) A child may be convicted as "delinquent" who has, while under sixteen years of age, (i) violated any federal or state law, except section 53a-172 or 53a-173, or violated a municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (ii) wilfully failed to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice, (iii) violated any order of the Superior Court in a delinquency proceeding, except as provided in section 46b-148, or (iv) violated conditions of probation in a delinquency proceeding as ordered by the court;

(B) A child may be convicted as "delinquent" who has (i) while sixteen years of age, violated any federal or state law, other than (I) an infraction, except an infraction under subsection (d) of section 21a-267, as amended by this act, (II) a violation, except a violation under section

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1 of this act, (III) a motor vehicle offense or violation under title 14, (IV) a violation of a municipal or local ordinance, or (V) a violation of section 51-164r, 53a-172 or 53a-173, (ii) while sixteen years of age or older wilfully failed to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child had notice, (iii) while sixteen years of age or older, violated any order of the Superior Court in a delinquency proceeding, except as provided in section 46b-148, or (iv) while sixteen years of age or older, violated conditions of probation in a delinquency proceeding as ordered by the court.

Sec. 8. Subdivision (10) of section 46b-120 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2011*):

(10) "Delinquent act" means (A) the violation by a child under the age of sixteen of any federal or state law, except the violation of section 53a-172 or 53a-173, or the violation of a municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (B) the violation by a child sixteen years of age of any federal or state law, other than (i) an infraction, except an infraction under subsection (d) of section 21a-267, as amended by this act, (ii) a violation, except a violation under section 1 of this act, (iii) a motor vehicle offense or violation under title 14, (iv) the violation of a municipal or local ordinance, or (v) the violation of section 51-164r, 53a-172 or 53a-173, (C) the wilful failure of a child, including a child who has attained the age of seventeen or older, to appear in response to a summons under section 46b-133 or at any other court hearing in a delinquency proceeding of which the child has notice, (D) the violation of any order of the Superior Court in a delinquency proceeding by a child, including a child who has attained the age of seventeen or older, except as provided in section 46b-148, or (E) the violation of conditions of probation in a delinquency proceeding by a child, including a child



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who has attained the age of seventeen or older, as ordered by the court.

Sec. 9. Subdivision (5) of section 46b-120 of the general statutes, as amended by section 82 of public act 09-7 of the September special session, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(5) (A) A child may be convicted as "delinquent" who has (i) while under sixteen years of age, violated any federal or state law or municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (ii) wilfully failed to appear in response to a summons under section 46b-133 or at any other court hearing of which the child had notice, (iii) violated any order of the Superior Court, except as provided in section 46b-148, or (iv) violated conditions of probation as ordered by the court;

(B) A child may be convicted as "delinquent" who has (i) while sixteen or seventeen years of age, violated any federal or state law, other than (I) an infraction, except an infraction under subsection (d) of section 21a-267, as amended by this act, (II) a violation, except a violation under section 1 of this act, (III) a motor vehicle offense or violation as defined in chapter 248, or (IV) a violation of a municipal or local ordinance, (ii) wilfully failed to appear in response to a summons under section 46b-133 or at any other court hearing of which the child had notice, (iii) violated any order of the Superior Court, except as provided in section 46b-148, or (iv) violated conditions of probation as ordered by the court.

Sec. 10. Subdivision (10) of section 46b-120 of the general statutes, as amended by section 82 of public act 09-7 of the September special session, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

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(10) "Delinquent act" means (A) the violation by a child under the age of sixteen of any federal or state law or municipal or local ordinance, except an ordinance regulating behavior of a child in a family with service needs, (B) the violation by a child sixteen or seventeen years of age of any federal or state law, other than (i) an infraction, except an infraction under subsection (d) of section 21a-267, as amended by this act, (ii) a violation, except a violation under section 1 of this act, (iii) a motor vehicle offense or violation under chapter 248, or (iv) a violation of a municipal or local ordinance, (C) wilful failure of a child to appear in response to a summons under section 46b-133 or at any other court hearing of which the child has notice, (D) the violation of any order of the Superior Court by a child, except as provided in section 46b-148, or (E) the violation of conditions of probation by a child as ordered by the court.

Sec. 11. (NEW) (*Effective July 1, 2011*) Any person who, at separate times, has twice entered a plea of nolo contendere to, or been found guilty after trial of, a violation of section 1 of this act shall, upon a subsequent plea of nolo contendere to, or finding of guilty of, a violation of said section, be referred for participation in a drug education program at such person's own expense.

Approved June 30, 2011