



General Assembly

January Session, 2011

**Governor's Bill No. 1014**

LCO No. 3468

\*03468 \_\_\_\_\_ \*

Referred to Committee on Judiciary

Introduced by:

SEN. WILLIAMS, 29<sup>th</sup> Dist.

SEN. LOONEY, 11<sup>th</sup> Dist.

REP. DONOVAN, 84<sup>th</sup> Dist.

REP. SHARKEY, 88<sup>th</sup> Dist.

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

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

1 Section 1. (NEW) (*Effective July 1, 2011*) Any person who possesses  
2 or has under his control less than one ounce of a cannabis-type  
3 substance, except as authorized in chapter 420b of the general statutes,  
4 shall have committed an infraction.

5 Sec. 2. Subsection (c) of section 21a-279 of the general statutes is  
6 repealed and the following is substituted in lieu thereof (*Effective July*  
7 *1, 2011*):

8 (c) Any person who possesses or has under his control any quantity  
9 of any controlled substance other than a narcotic substance, or a  
10 hallucinogenic substance other than marijuana or who possesses or has  
11 under his control one ounce or more but less than four ounces of a  
12 cannabis-type substance, except as authorized in this chapter, for a first

13 offense, may be fined not more than one thousand dollars or be  
14 imprisoned not more than one year, or be both fined and imprisoned;  
15 and for a subsequent offense, may be fined not more than three  
16 thousand dollars or be imprisoned not more than five years, or be both  
17 fined and imprisoned.

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 Section 21a-267 of the general statutes is repealed and the  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

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

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

39 (c) Any person who violates subsection (a) or (b) of this section in or  
40 on, or within one thousand five hundred feet of, the real property  
41 comprising a public or private elementary or secondary school and  
42 who is not enrolled as a student in such school shall be imprisoned for  
43 a term of one year which shall not be suspended and shall be in  
44 addition and consecutive to any term of imprisonment imposed for

45 violation of subsection (a) or (b) of this section.

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

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|---|---------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                     |             |
| Section 1   | <i>July 1, 2011</i> | New section |
| Sec. 2  | <i>July 1, 2011</i> | 21a-279(c)  |
| Sec. 3  | <i>July 1, 2011</i> | 21a-267     |

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*