



General Assembly

**Substitute Bill No. 1014**

January Session, 2011

\* SB01014JUD\_\_041311\_\_ \*

**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-half ounce of a cannabis-type  
3 substance, as defined in section 21a-240 of the general statutes, except  
4 as authorized in chapter 420b of the general statutes, shall (1) have  
5 committed an infraction for a first offense, and (2) be fined not less  
6 than two hundred dollars or more than five hundred dollars for a  
7 second or subsequent offense.

8 Sec. 2. Subsection (c) of section 21a-279 of the general statutes is  
9 repealed and the following is substituted in lieu thereof (*Effective July*  
10 *1, 2011*):

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

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 Section 21a-267 of the general statutes is repealed and the  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

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

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

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

49 (d) No person shall (1) use or possess with intent to use drug  
50 paraphernalia to plant, propagate, cultivate, grow, harvest,  
51 manufacture, compound, convert, produce, process, prepare, test,  
52 analyze, pack, repack, store, contain or conceal, or to ingest, inhale or

53 otherwise introduce into the human body, less than one-half ounce of a  
54 cannabis-type substance, or (2) deliver, possess with intent to deliver  
55 or manufacture with intent to deliver drug paraphernalia knowing, or  
56 under circumstances where one reasonably should know, that it will  
57 be used to plant, propagate, cultivate, grow, harvest, manufacture,  
58 compound, convert, produce, process, prepare, test, analyze, pack,  
59 repack, store, contain or conceal, or to ingest, inhale or otherwise  
60 introduce into the human body, less than one-half ounce of a cannabis-  
61 type substance. Any person who violates any provision of this  
62 subsection shall have committed an infraction.

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

65 (a) The Commissioner of Motor Vehicles shall suspend, for a period  
66 of one hundred fifty days, the motor vehicle operator's license or  
67 nonresident operating privilege of any person under the age of twenty-  
68 one who has been convicted of a violation of section 30-88a involving  
69 the misuse of an operator's license, subsection (d) of section 21a-267, as  
70 amended by this act, or section 1 of this act. The commissioner shall  
71 suspend, for a period of sixty days, the motor vehicle operator's license  
72 or nonresident operating privilege of any person under the age of  
73 twenty-one who has been convicted of a violation of subdivision (1) of  
74 subsection (b) of section 30-89. The commissioner shall suspend, for a  
75 period of thirty days, the motor vehicle operator's license or  
76 nonresident operating privilege of any person under the age of twenty-  
77 one who has been convicted of a violation of subdivision (2) of  
78 subsection (b) of section 30-89. The commissioner shall conform any  
79 suspension for violation of section 30-89 that is in effect on June 25,  
80 2007, to comply with the provisions of this section.

81 (b) Any person under the age of twenty-one who has not been  
82 issued a motor vehicle operator's license under section 14-36 and who  
83 has been convicted of a violation of section 30-88a involving the  
84 misuse of an operator's license, section 30-89 involving the purchase  
85 and possession of alcoholic liquor by a minor, ~~or~~ subsection (e) of

86 section 1-1h involving the misuse of an identity card, subsection (d) of  
87 section 21a-267, as amended by this act, or section 1 of this act shall not  
88 be issued a new operator's license by the commissioner under section  
89 14-36 until a period of one hundred fifty days has elapsed from the  
90 date all applicable requirements for any such license have been  
91 satisfied by the applicant.

92 Sec. 5. Section 51-164n of the general statutes is amended by adding  
93 subsection (i) as follows (*Effective July 1, 2011*):

94 (NEW) (i) Notwithstanding the provisions of subsections (g) and (h)  
95 of this section, in any trial of a person for the alleged violation of  
96 section 1 of this act, the testimony of a police officer that, based upon  
97 his or her training and experience, the substance possessed by such  
98 person was a cannabis-type substance shall, unless contradicted by  
99 other evidence, be sufficient evidence to sustain a conviction of such  
100 person for such violation.

101 Sec. 6. Subsection (b) of section 51-164n of the general statutes is  
102 repealed and the following is substituted in lieu thereof (*Effective July*  
103 *1, 2011*):

104 (b) Notwithstanding any provision of the general statutes, any  
105 person who is alleged to have committed (1) a violation under the  
106 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
107 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-  
108 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,  
109 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section  
110 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
111 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
112 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
113 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
114 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,  
115 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
116 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
117 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b

118 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-  
119 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
120 14-153 or 14-163b, a first violation as specified in subsection (f) of  
121 section 14-164i, section 14-219 as specified in subsection (e) of said  
122 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-  
123 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,  
124 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of  
125 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,  
126 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section  
127 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,  
128 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,  
129 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,  
130 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section  
131 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,  
132 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,  
133 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,  
134 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,  
135 20-265 or 20-324e, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38,  
136 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-  
137 30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or  
138 21a-77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-  
139 159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39,  
140 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90,  
141 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a,  
142 22-326 or 22-342, subsection (b) or (e) of section 22-344, section 22-359,  
143 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a)  
144 of section 22a-250, subsection (e) of section 22a-256h, section 22a-381d,  
145 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of  
146 section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-  
147 49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128,  
148 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230,  
149 26-294, 28-13, 29-6a, 29-109, 29-143o, 29-143z or 29-156a, subsection (b),  
150 (d), (e) or (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-  
151 210, 29-243, 29-277, subsection (c) of section 29-291c, section 29-316, 29-  
152 318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15,

153 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40,  
 154 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a)  
 155 or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b  
 156 or 31-134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-  
 157 230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-  
 158 54, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-  
 159 38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a,  
 160 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331,  
 161 53-344 or 53-450, or subdivision (2) of section 1 of this act, or (2) a  
 162 violation under the provisions of chapter 268, or (3) a violation of any  
 163 regulation adopted in accordance with the provisions of section 12-484,  
 164 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or  
 165 bylaw of any town, city or borough, except violations of building codes  
 166 and the health code, for which the penalty exceeds ninety dollars but  
 167 does not exceed two hundred fifty dollars, unless such town, city or  
 168 borough has established a payment and hearing procedure for such  
 169 violation pursuant to section 7-152c, shall follow the procedures set  
 170 forth in this section.

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
Sec. 4	<i>July 1, 2011</i>	14-111e
Sec. 5	<i>July 1, 2011</i>	51-164n
Sec. 6	<i>July 1, 2011</i>	51-164n(b)

**Statement of Legislative Commissioners:**

In section 1, "as defined in section 21a-240 of the general statutes" was added after "cannabis-type substance" for accuracy.

**JUD**      *Joint Favorable Subst.*