



General Assembly

Amendment

January Session, 2011

LCO No. 8294

SB0101408294SD0

Offered by:

SEN. COLEMAN, 2nd Dist.

SEN. LOONEY, 11th Dist.

SEN. WILLIAMS, 29th Dist.

REP. FOX, 146th Dist.

REP. HOLDER-WINFIELD, 94th Dist.

To: Subst. Senate Bill No. 1014

File No. 638

Cal. No. 396

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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

10 (b) The law enforcement officer issuing a complaint for a violation
11 of subsection (a) of this section shall seize the cannabis-type substance

12 and cause such substance to be destroyed as contraband in accordance
13 with law.

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15 repealed and the following is substituted in lieu thereof (*Effective*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

17 (c) Any person who possesses or has under his control any quantity
18 of any controlled substance other than a narcotic substance, or a
19 hallucinogenic substance other than marijuana or who possesses or has
20 under his control one-half ounce or more but less than four ounces of a
21 cannabis-type substance, except as authorized in this chapter, (1) for a
22 first offense, may be fined not more than one thousand dollars or be
23 imprisoned not more than one year, or be both fined and imprisoned;
24 and (2) for a subsequent offense, may be fined not more than three
25 thousand dollars or be imprisoned not more than five years, or be both
26 fined and imprisoned.

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 Section 21a-267 of the general statutes is repealed and the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

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

38 (b) No person shall deliver, possess with intent to deliver or
39 manufacture with intent to deliver drug paraphernalia knowing, or
40 under circumstances where one reasonably should know, that it will
41 be used to plant, propagate, cultivate, grow, harvest, manufacture,
42 compound, convert, produce, process, prepare, test, analyze, pack,
43 repack, store, contain or conceal, or to ingest, inhale or otherwise

44 introduce into the human body, any controlled substance, other than a
45 cannabis-type substance in a quantity of less than one-half ounce. Any
46 person who violates any provision of this subsection shall be guilty of
47 a class A misdemeanor.

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

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

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

71 (a) The Commissioner of Motor Vehicles shall suspend, for a period
72 of one hundred fifty days, the motor vehicle operator's license or
73 nonresident operating privilege of any person under the age of twenty-
74 one who has been convicted of a violation of section 30-88a involving
75 the misuse of an operator's license. The commissioner shall suspend,

76 for a period of sixty days, the motor vehicle operator's license or
77 nonresident operating privilege of any person under the age of twenty-
78 one who has been convicted of a violation of subdivision (1) of
79 subsection (b) of section 30-89, section 1 of this act or subsection (d) of
80 section 21a-267, as amended by this act. The commissioner shall
81 suspend, for a period of thirty days, the motor vehicle operator's
82 license or nonresident operating privilege of any person under the age
83 of twenty-one who has been convicted of a violation of subdivision (2)
84 of subsection (b) of section 30-89. The commissioner shall conform any
85 suspension for violation of section 30-89 that is in effect on June 25,
86 2007, to comply with the provisions of this section.

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

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

101 (g) In any trial for the alleged commission of an infraction, the
102 practice, procedure, rules of evidence and burden of proof applicable
103 in criminal proceedings shall apply, except that in any trial for the
104 alleged commission of an infraction under subsection (d) of section
105 21a-267, as amended by this act, the burden of proof shall be by the
106 preponderance of the evidence. Any person found guilty at the trial or
107 upon a plea shall be guilty of the commission of an infraction and shall
108 be fined not less than thirty-five dollars or more than ninety dollars or,

109 if the infraction is for a violation of any provision of title 14, not less
110 than fifty dollars or more than ninety dollars.

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

119 Sec. 6. Subsection (b) of section 51-164n of the general statutes is
120 repealed and the following is substituted in lieu thereof (*Effective July*
121 *1, 2011*):

122 (b) Notwithstanding any provision of the general statutes, any
123 person who is alleged to have committed (1) a violation under the
124 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
125 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
126 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,
127 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
128 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
129 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
130 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
131 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
132 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
133 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
134 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
135 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
136 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
137 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
138 14-153 or 14-163b, a first violation as specified in subsection (f) of
139 section 14-164i, section 14-219 as specified in subsection (e) of said
140 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
141 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,

142 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
143 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,
144 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section
145 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,
146 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,
147 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,
148 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section
149 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,
150 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,
151 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
152 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,
153 20-265 or 20-324e, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38,
154 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-
155 30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or
156 21a-77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-
157 159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39,
158 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90,
159 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a,
160 22-326 or 22-342, subsection (b) or (e) of section 22-344, section 22-359,
161 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a)
162 of section 22a-250, subsection (e) of section 22a-256h, section 22a-381d,
163 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of
164 section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-
165 49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128,
166 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230,
167 26-294, 28-13, 29-6a, 29-109, 29-143o, 29-143z or 29-156a, subsection (b),
168 (d), (e) or (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-
169 210, 29-243, 29-277, subsection (c) of section 29-291c, section 29-316, 29-
170 318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15,
171 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40,
172 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a)
173 or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b
174 or 31-134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-
175 230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-
176 54, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-

177 38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a,
178 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331,
179 53-344 or 53-450, or section 1 of this act, or (2) a violation under the
180 provisions of chapter 268, or (3) a violation of any regulation adopted
181 in accordance with the provisions of section 12-484, 12-487 or 13b-410,
182 or (4) a violation of any ordinance, regulation or bylaw of any town,
183 city or borough, except violations of building codes and the health
184 code, for which the penalty exceeds ninety dollars but does not exceed
185 two hundred fifty dollars, unless such town, city or borough has
186 established a payment and hearing procedure for such violation
187 pursuant to section 7-152c, shall follow the procedures set forth in this
188 section.

189 Sec. 7. Subdivision (5) of section 46b-120 of the general statutes is
190 repealed and the following is substituted in lieu thereof (*Effective July*
191 *1, 2011*):

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

202 (B) A child may be convicted as "delinquent" who has (i) while
203 sixteen years of age, violated any federal or state law, other than (I) an
204 infraction, except an infraction under subsection (d) of section 21a-267,
205 as amended by this act, (II) a violation, except a violation under section
206 1 of this act, (III) a motor vehicle offense or violation under title 14, (IV)
207 a violation of a municipal or local ordinance, or (V) a violation of
208 section 51-164r, 53a-172 or 53a-173, (ii) while sixteen years of age or
209 older wilfully failed to appear in response to a summons under section

210 46b-133 or at any other court hearing in a delinquency proceeding of
211 which the child had notice, (iii) while sixteen years of age or older,
212 violated any order of the Superior Court in a delinquency proceeding,
213 except as provided in section 46b-148, or (iv) while sixteen years of age
214 or older, violated conditions of probation in a delinquency proceeding
215 as ordered by the court.

216 Sec. 8. Subdivision (10) of section 46b-120 of the general statutes is
217 repealed and the following is substituted in lieu thereof (*Effective July*
218 *1, 2011*):

219 (10) "Delinquent act" means (A) the violation by a child under the
220 age of sixteen of any federal or state law, except the violation of section
221 53a-172 or 53a-173, or the violation of a municipal or local ordinance,
222 except an ordinance regulating behavior of a child in a family with
223 service needs, (B) the violation by a child sixteen years of age of any
224 federal or state law, other than (i) an infraction, except an infraction
225 under subsection (d) of section 21a-267, as amended by this act, (ii) a
226 violation, except a violation under section 1 of this act, (iii) a motor
227 vehicle offense or violation under title 14, (iv) the violation of a
228 municipal or local ordinance, or (v) the violation of section 51-164r,
229 53a-172 or 53a-173, (C) the wilful failure of a child, including a child
230 who has attained the age of seventeen or older, to appear in response
231 to a summons under section 46b-133 or at any other court hearing in a
232 delinquency proceeding of which the child has notice, (D) the violation
233 of any order of the Superior Court in a delinquency proceeding by a
234 child, including a child who has attained the age of seventeen or older,
235 except as provided in section 46b-148, or (E) the violation of conditions
236 of probation in a delinquency proceeding by a child, including a child
237 who has attained the age of seventeen or older, as ordered by the
238 court.

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

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

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

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

266 (10) "Delinquent act" means (A) the violation by a child under the
267 age of sixteen of any federal or state law or municipal or local
268 ordinance, except an ordinance regulating behavior of a child in a
269 family with service needs, (B) the violation by a child sixteen or
270 seventeen years of age of any federal or state law, other than (i) an
271 infraction, except an infraction under subsection (d) of section 21a-267,
272 as amended by this act, (ii) a violation, except a violation under section
273 1 of this act, (iii) a motor vehicle offense or violation under chapter 248,
274 or (iv) a violation of a municipal or local ordinance, (C) wilful failure of
275 a child to appear in response to a summons under section 46b-133 or at

276 any other court hearing of which the child has notice, (D) the violation
 277 of any order of the Superior Court by a child, except as provided in
 278 section 46b-148, or (E) the violation of conditions of probation by a
 279 child as ordered by the court."

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(g) and (h)
Sec. 6	<i>July 1, 2011</i>	51-164n(b)
Sec. 7	<i>July 1, 2011</i>	46b-120(5)
Sec. 8	<i>July 1, 2011</i>	46b-120(10)
Sec. 9	<i>July 1, 2012</i>	46b-120(5)
Sec. 10	<i>July 1, 2012</i>	46b-120(10)