



General Assembly

Amendment

January Session, 2011

LCO No. 8360

SB0101408360SR0

Offered by:
SEN. BOUCHER, 26th Dist.

To: Subst. Senate Bill No. 1014 File No. 638 Cal. No. 396

(As Amended)

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

1 Strike subsection (a) of section 1 in its entirety and insert the
2 following in lieu thereof:

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

9 Strike sections 2 and 3 in their entirety and insert the following in
10 lieu thereof:

11 "Sec. 2. Subsection (c) of section 21a-279 of the general statutes is
12 repealed and the following is substituted in lieu thereof (*Effective*

13 July 1, 2011):

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

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 Section 21a-267 of the general statutes is repealed and the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

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

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

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

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