AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION REGARDING THE ENHANCED PENALTY FOR THE SALE OR POSSESSION OF DRUGS NEAR SCHOOLS, DAY CARE CENTERS AND PUBLIC HOUSING PROJECTS.

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

Section 1. Section 21a-267 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2014):

(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 (1)
with intent to commit such violation in or on [, or within one thousand
five hundred feet of,] a specific location, (2) which location the trier of
fact determines is the real property comprising a public or private
elementary or secondary school, or within two hundred feet of the
perimeter of the real property comprising a public or private
elementary or secondary school, and (3) 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.

(e) The provisions of subsection (a) of this section shall not apply to any person (1) who in good faith, seeks medical assistance for another person who such person reasonably believes is experiencing an overdose from the ingestion, inhalation or injection of intoxicating liquor or any drug or substance, (2) for whom another person, in good faith, seeks medical assistance, reasonably believing such person is experiencing an overdose from the ingestion, inhalation or injection of intoxicating liquor or any drug or substance, or (3) who reasonably believes he or she is experiencing an overdose from the ingestion, inhalation or injection of intoxicating liquor or any drug or substance and, in good faith, seeks medical assistance for himself or herself, if evidence of the use or possession of drug paraphernalia in violation of said subsection was obtained as a result of the seeking of such medical assistance. For the purposes of this subsection, "good faith" does not include seeking medical assistance during the course of the execution of an arrest warrant or search warrant or a lawful search.

Sec. 2. Section 21a-278a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2014):

(a) Any person eighteen years of age or older who violates section 21a-277 or 21a-278, and who is not, at the time of such action, a drug-dependent person, by distributing, selling, prescribing, dispensing, offering, giving or administering any controlled substance to another person who is under eighteen years of age and is at least two years younger than such person who is in violation of section 21a-277 or 21a-278, shall be imprisoned for a term of two years, which shall not be suspended and shall be in addition and consecutive to any term of imprisonment imposed for violation of section 21a-277 or 21a-278.

(b) Any person who violates section 21a-277 or 21a-278 by manufacturing, distributing, selling, prescribing, dispensing, compounding, transporting with the intent to sell or dispense,
possessing with the intent to sell or dispense, offering, giving or
administering to another person any controlled substance (1) with
intent to commit such violation in or on [ , or within one thousand five
hundred feet of,] a specific location, and (2) which specific location the
trier of fact determines is (A) the real property comprising (i) a public
or private elementary or secondary school, (ii) a public housing
project, or (iii) a licensed child day care center, as defined in section
19a-77, that is identified as a child day care center by a sign posted in a
conspicuous place, or (B) within two hundred feet of the perimeter of
the real property comprising such public or private elementary or
secondary school, public housing project or licensed child day care
center, shall be imprisoned for a term of three years, which shall not be
suspended and shall be in addition and consecutive to any term of
imprisonment imposed for violation of section 21a-277 or 21a-278. To
constitute a violation of this subsection, an act of transporting or
possessing a controlled substance shall be with intent to sell or
dispense in or on, or within [one thousand five] two hundred feet of
the perimeter of, the real property comprising a public or private
elementary or secondary school, a public housing project or a licensed
child day care center, as defined in section 19a-77, that is identified as a
child day care center by a sign posted in a conspicuous place. For the
purposes of this subsection, "public housing project" means dwelling
accommodations operated as a state or federally subsidized
multifamily housing project by a housing authority, nonprofit
corporation or municipal developer, as defined in section 8-39,
pursuant to chapter 128 or by the Connecticut Housing Authority
pursuant to chapter 129.

(c) Any person who employs, hires, uses, persuades, induces,
entices or coerces a person under eighteen years of age to violate
section 21a-277 or 21a-278 shall be imprisoned for a term of three
years, which shall not be suspended and shall be in addition and
consecutive to any term of imprisonment imposed for violation of
section 21a-277 or 21a-278.
Sec. 3. Section 21a-279 of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2014):

(a) Any person who possesses or has under his control any quantity of any narcotic substance, except as authorized in this chapter, for a first offense, may be imprisoned not more than seven years or be fined not more than fifty thousand dollars, or be both fined and imprisoned; and for a second offense, may be imprisoned not more than fifteen years or be fined not more than one hundred thousand dollars, or be both fined and imprisoned; and for any subsequent offense, may be imprisoned not more than twenty-five years or be fined not more than two hundred fifty thousand dollars, or be both fined and imprisoned.

(b) Any person who possesses or has under his control any quantity of a hallucinogenic substance other than marijuana or four ounces or more of a cannabis-type substance, except as authorized in this chapter, for a first offense, shall be guilty of a class D felony, and for a subsequent offense shall be guilty of a class C felony.

(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 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, shall be guilty of a class D felony.

(d) Any person who violates subsection (a), (b) or (c) of this section in or on, or within [one thousand five] two hundred feet of [] the perimeter of the real property comprising (1) a public or private elementary or secondary school and who is not enrolled as a student in such school, or (2) a licensed child day care center, as defined in section 19a-77, that is identified as a child day care center by a sign
posted in a conspicuous place shall be imprisoned for a term of two
two years, which shall not be suspended and shall be in addition and
consecutive to any term of imprisonment imposed for violation of
subsection (a), (b) or (c) of this section.

(e) As an alternative to the sentences specified in subsections (a) and
(b) and specified for a subsequent offense under subsection (c) of this
section, the court may sentence the person to the custody of the
Commissioner of Correction for an indeterminate term not to exceed
three years or the maximum term specified for the offense, whichever
is the lesser, and at any time within such indeterminate term and
without regard to any other provision of law regarding minimum term
of confinement, the Commissioner of Correction may release the
convicted person so sentenced subject to such conditions as he may
impose including, but not limited to, supervision by suitable authority.
At any time during such indeterminate term, the Commissioner of
Correction may revoke any such conditional release in his discretion
for violation of the conditions imposed and return the convicted
person to a correctional institution.

(f) To the extent that it is possible, medical treatment rather than
criminal sanctions shall be afforded individuals who breathe, inhale,
sniff or drink the volatile substances defined in subdivision (49) of
section 21a-240.

(g) The provisions of subsections (a) to (c), inclusive, of this section
shall not apply to any person (1) who in good faith, seeks medical
assistance for another person who such person reasonably believes is
experiencing an overdose from the ingestion, inhalation or injection of
intoxicating liquor or any drug or substance, (2) for whom another
person, in good faith, seeks medical assistance, reasonably believing
such person is experiencing an overdose from the ingestion, inhalation
or injection of intoxicating liquor or any drug or substance, or (3) who
reasonably believes he or she is experiencing an overdose from the
ingestion, inhalation or injection of intoxicating liquor or any drug or
substance and, in good faith, seeks medical assistance for himself or herself, if evidence of the possession or control of a controlled substance in violation of subsection (a), (b) or (c) of this section was obtained as a result of the seeking of such medical assistance. For the purposes of this subsection, "good faith" does not include seeking medical assistance during the course of the execution of an arrest warrant or search warrant or a lawful search.

This act shall take effect as follows and shall amend the following sections:

| Section 1 | October 1, 2014 | 21a-267 |
| Sec. 2    | October 1, 2014 | 21a-278a |
| Sec. 3    | October 1, 2014 | 21a-279 |

**Statement of Purpose:**
To adopt the recommendations of the Connecticut Sentencing Commission regarding the enhanced penalty for the sale or possession of drugs near schools, day care centers and public housing projects.

[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.]