



General Assembly

Amendment

February Session, 2014

LCO No. 4157

SB0025904157SR0

Offered by:
SEN. MCKINNEY, 28th Dist.

To: Senate Bill No. 259

File No. 609

Cal. No. 401

"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."

1 Strike section 1 in its entirety and substitute the following in lieu
2 thereof:

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 Section 21a-267 of the general statutes is repealed and the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

5 (a) No person shall use or possess with intent to use drug
6 paraphernalia, as defined in subdivision (20) of section 21a-240, to
7 plant, propagate, cultivate, grow, harvest, manufacture, compound,
8 convert, produce, process, prepare, test, analyze, pack, repack, store,
9 contain or conceal, or to ingest, inhale or otherwise introduce into the
10 human body, any controlled substance, as defined in subdivision (9) of
11 section 21a-240, other than a cannabis-type substance in a quantity of
12 less than one-half ounce. [Any person who violates any provision of

13 this subsection shall be guilty of a class C misdemeanor.]

14 (b) No person shall deliver, possess with intent to deliver or
15 manufacture with intent to deliver drug paraphernalia knowing, or
16 under circumstances where one reasonably should know, that it will
17 be used to plant, propagate, cultivate, grow, harvest, manufacture,
18 compound, convert, produce, process, prepare, test, analyze, pack,
19 repack, store, contain or conceal, or to ingest, inhale or otherwise
20 introduce into the human body, any controlled substance, other than a
21 cannabis-type substance in a quantity of less than one-half ounce. [Any
22 person who violates any provision of this subsection shall be guilty of
23 a class A misdemeanor.]

24 (c) Any person who violates subsection (a) or (b) of this section [in
25 or on, or within one thousand five hundred feet of, the real property
26 comprising a public or private elementary or secondary school and
27 who is not enrolled as a student in such school] shall be guilty of a
28 class A misdemeanor and shall be imprisoned for a term of one year
29 which shall not be suspended, [and shall be in addition and
30 consecutive to any term of imprisonment imposed for violation of
31 subsection (a) or (b) of this section.]

32 (d) No person shall (1) use or possess with intent to use drug
33 paraphernalia to plant, propagate, cultivate, grow, harvest,
34 manufacture, compound, convert, produce, process, prepare, test,
35 analyze, pack, repack, store, contain or conceal, or to ingest, inhale or
36 otherwise introduce into the human body, less than one-half ounce of a
37 cannabis-type substance, or (2) deliver, possess with intent to deliver
38 or manufacture with intent to deliver drug paraphernalia knowing, or
39 under circumstances where one reasonably should know, that it will
40 be used to plant, propagate, cultivate, grow, harvest, manufacture,
41 compound, convert, produce, process, prepare, test, analyze, pack,
42 repack, store, contain or conceal, or to ingest, inhale or otherwise
43 introduce into the human body, less than one-half ounce of a cannabis-
44 type substance. Any person who violates any provision of this
45 subsection shall have committed an infraction.

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