

HB 1325 -- POSSESSION OF MARIJUANA AND DRUG PARAPHERNALIA

SPONSOR: Ellinger

Currently, any person who possesses or has under his or her control no more than 35 grams of marijuana or any synthetic cannabinoid is guilty of a class A misdemeanor. Additionally, any person who uses or possesses with the intent to use any drug paraphernalia is guilty of a class A misdemeanor.

This bill specifies that a person who possesses or has under his or her control no more than 35 grams of marijuana, any synthetic cannabinoid, or any marijuana drug paraphernalia is guilty of a misdemeanor and subject to a fine of up to \$250 and will be issued a summons to appear in court but not arrested. If found guilty, the offender cannot be incarcerated or lose his or her driver's license and there will be a strong presumption that the proper disposition of the case would be to suspend the imposition of sentence and require community service, controlled substance counseling, or both.

However, any person who has been found guilty of any of the following is guilty of a class A misdemeanor:

- (1) A felony within the preceding 10 years;
- (2) A class A misdemeanor, other than the possession of 35 grams or less of marijuana, any synthetic cannabinoid, or possession of marijuana drug paraphernalia within the preceding five years;
- (3) Possession of 35 grams or less of marijuana, any synthetic cannabinoid, or possession of marijuana drug paraphernalia on two or more prior occasions within the preceding five years; or
- (4) Is arrested for any felony or misdemeanor, other than possession of 35 grams or less of marijuana, any synthetic cannabinoid, or possession of marijuana drug paraphernalia, arising from the same set of facts and circumstances.