

SB 570-FN - AS INTRODUCED

2024 SESSION

24-3107

09/08

SENATE BILL ***570-FN***

AN ACT establishing a misdemeanor for first-offense controlled drug possession.

SPONSORS: Sen. Whitley, Dist 15; Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Rep. Roy, Rock. 31; Rep. Harriott-Gathright, Hills. 10; Rep. Ammon, Hills. 42

COMMITTEE: Judiciary

ANALYSIS

This bill amends the penalty for obtaining, purchasing, transporting, possessing, or having under a person's control a controlled drug to a class A misdemeanor, and amends the penalty for a subsequent offense to a class B felony.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT establishing a misdemeanor for first-offense controlled drug possession.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(a) to read as follows:

2 (a) In the case of a controlled drug or its analog, classified in schedules I, II, III, ~~[or]~~ IV,
3 **or V**, other than those specifically covered in this section, the person shall be guilty of a class **A**
4 **misdemeanor for a first offense** ~~[B felony, except that notwithstanding the provisions of RSA~~
5 ~~651:2, IV(a), a fine of not more than \$25,000 may be imposed]~~. If any person commits such a
6 violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a
7 class **B** ~~[A] felony[, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to~~
8 ~~\$50,000 may be imposed]~~.

9 2 Repeal. RSA 318-B:26, II(b), relative to the penalty for the possession of a Class V controlled
10 drug, is repealed.

11 3 Effective Date. This act shall take effect January 1, 2025.

**SB 570-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing a misdemeanor for first-offense controlled drug possession.

FISCAL IMPACT: ☒ State ☒ County ☒ Local ☐ None

| Estimated State Impact - Increase / (Decrease) | | | | |
|--|----------------|---------|---------|---------|
| | FY 2024 | FY 2025 | FY 2026 | FY 2027 |
| Revenue | \$0 | \$0 | \$0 | \$0 |
| <i>Revenue Fund</i> | None | | | |
| Expenditures | Indeterminable | | | |
| <i>Funding Source</i> | General Fund | | | |
| Appropriations | \$0 | \$0 | \$0 | \$0 |
| <i>Funding Source</i> | None | | | |

| Estimated Political Subdivision Impact - Increase / (Decrease) | | | | |
|--|----------------|---------|---------|---------|
| | FY 2024 | FY 2025 | FY 2026 | FY 2027 |
| County Revenue | \$0 | \$0 | \$0 | \$0 |
| County Expenditures | Indeterminable | | | |
| Local Revenue | \$0 | \$0 | \$0 | \$0 |
| Local Expenditures | Indeterminable | | | |

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association