

HB 621-FN – AS AMENDED BY THE HOUSE

21Mar2013... 1079h

2013 SESSION

13-0597
04/09

HOUSE BILL

621-FN

AN ACT decriminalizing possession of one quarter of an ounce or less of marijuana.

SPONSORS: Rep. Tasker, Rock 2

COMMITTEE: Criminal Justice and Public Safety

AMENDED ANALYSIS

This bill provides that any person who possesses 1/4 of an ounce of marijuana or less shall be guilty of a violation and shall be subject to a fine of up to \$200.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT decriminalizing possession of one quarter of an ounce or less of marijuana.

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

1 1 New Section; Controlled Drug Act; Personal Possession of Small Amounts of Marijuana.
2 Amend RSA 318-B by inserting after section 2-b the following new section:

3 318-B:2-c Personal Possession of Small Amounts of Marijuana.

4 I. Any person possessing 1/4 ounce or less of marijuana, including any adulterants or
5 dilutants, for personal use, shall be guilty of a violation.

6 II.(a) Any person 18 years of age or older who is in possession of 1/4 ounce or less of
7 marijuana, including any adulterants or dilutants, and who engages in any conduct prohibited under
8 RSA 318-B:2 shall be guilty of a violation and subject to a fine not to exceed \$200 and forfeiture of
9 the marijuana.

10 (b) Any person under 18 years of age who is in possession of 1/4 ounce or less of
11 marijuana, including any adulterants or dilutants, and who engages in any conduct prohibited under
12 RSA 318-B:2 shall be guilty of a violation and subject to a fine not to exceed \$200 and forfeiture of
13 the marijuana. The offender's parents or legal guardians shall be notified of the offense. The court
14 shall order the offender to complete an approved drug awareness program, at the offenders expense,
15 within one year of the date of the offense. Further, the court shall order the offender to participate
16 in community service which shall be completed within one year of the date of the offense. The
17 offender shall furnish the court with evidence of completion of both an approved drug awareness
18 program and community service. An offender who fails to complete either a drug awareness
19 program or community service, or both, shall be subject to a fine of \$1,000.

20 2 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(d) to read as follows:

21 (d) In the case of marijuana *in a quantity of 1/4 ounce or less*, including any
22 adulterants or dilutants~~[-or]~~, ***the person shall be guilty of a violation. In the case of 5 grams or***
23 ***less of hashish, the person shall be guilty of a class A misdemeanor.***

24 3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

25 (a) Controls any premises or vehicle where he knows a controlled drug or its analog is
26 illegally kept or deposited, ***provided that this subparagraph shall not apply if the controlled***
27 ***drug is 1/4 ounce or less of marijuana as provided in RSA 318-B:2-c;***

28 4 Effective Date. This act shall take effect January 1, 2014.

LBAO
13-0597
Amended 03/22/13

HB 621 FISCAL NOTE

AN ACT decriminalizing possession of one quarter of an ounce or less of marijuana.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, **as amended by the House (Amendment #2013-1079h)**, as it is awaiting information from the Judicial Branch, Judicial Council, Department of Justice, and the New Hampshire Association of Counties. When completed, the fiscal note will be forwarded to the House Clerk's Office.