

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

745I0501

HOUSE BILL NO. 1144

Introduced by: Representatives LaRue, Haverly, Hennies, Madsen, McCaulley, Rave, Rhoden, and Weems and Senators Olson (Ed), Abdallah, Duniphan, and Kleven

1 FOR AN ACT ENTITLED, An Act to broaden the application of drug free zones to include
2 additional offenses and to provide for penalty enhancements.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-42-6 be amended to read as follows:

5 22-42-6. No person may knowingly possess marijuana. It is a Class 1 misdemeanor to
6 possess two ounces of marijuana or less. It is a Class 6 felony to possess more than two ounces
7 of marijuana but less than one-half pound of marijuana. It is a Class 5 felony to possess one-half
8 pound but less than one pound of marijuana. It is a Class 4 felony to possess one to ten pounds
9 of marijuana. It is a Class 3 felony to possess more than ten pounds of marijuana. However, any
10 person who knowingly possesses marijuana under circumstances subject to the restrictions
11 provided in subdivision 22-42-19(1) or 22-42-19(2) is subject to an enhanced penalty of one
12 degree higher than the penalties provided for in this section if such violation occurred subsequent
13 to a prior conviction or adjudication under this section. A civil penalty may be imposed, in
14 addition to any criminal penalty, upon a conviction of a violation of this section not to exceed
15 ten thousand dollars.



1 Section 2. That § 22-42A-3 be amended to read as follows:

2 22-42A-3. No person, knowing the drug related nature of the object, may use or to possess
3 with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture,
4 compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain,
5 conceal, inject, ingest, inhale, or otherwise introduce into the human body any controlled
6 substance or marijuana in violation of this chapter. Any person who violates any provision of this
7 section is guilty of a Class 2 misdemeanor.

8 However, any person who violates any provision of this section under circumstances subject
9 to the restrictions provided in subdivision 22-42-19(1) or 22-42-19(2) is subject to an enhanced
10 penalty of a Class 1 misdemeanor if such violation occurred subsequent to a prior conviction or
11 adjudication under this section.