

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

664I0084

HOUSE BILL NO. 1153

Introduced by: Representatives Rhoden, Begalka, Buckingham, Fryslie, Garnos, Hennies, Klaudt, LaRue, and Novstrup and Senators Kleven, Abdallah, Jaspers, Knudson, and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the possession of
2 marijuana.

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

4 Section 1. That § 22-42-7 be amended to read as follows:

5 22-42-7. The distribution, or possession with intent to distribute, of less than one-half ounce
6 of marijuana without consideration is a Class 1 misdemeanor; otherwise, the distribution, or
7 possession with intent to distribute, of one ounce or less of marijuana is a Class 6 felony. The
8 distribution, or possession with intent to distribute, of more than one ounce but less than one-half
9 pound of marijuana is a Class 5 felony. The distribution, or possession with intent to distribute,
10 of one-half pound but less than one pound of marijuana is a Class 4 felony. The distribution, or
11 possession with intent to distribute, of one pound or more of marijuana is a Class 3 felony.
12 However, the distribution of any amount of marijuana to a minor is a Class 4 felony. A first
13 conviction of a felony under this section shall be punished by a mandatory sentence in the state
14 penitentiary or county jail of at least thirty days, which sentence may not be suspended. A second
15 or subsequent conviction of a felony under this section shall be punished by a mandatory



1 sentence of at least one year. Conviction of a Class 1 misdemeanor under this section shall be
2 punished by a mandatory sentence in county jail of not less than fifteen days, which sentence may
3 not be suspended. A civil penalty, not to exceed ten thousand dollars, may be imposed, in
4 addition to any criminal penalty, upon a conviction of a felony violation of this section ~~not to~~
5 ~~exceed ten thousand dollars~~.