

Judiciary
Glenn, Chairperson
Ramsey
Rush
Scott
Holden

FILED FEB 20 1978

SENATE FILE 2130

By SLATER and MURRAY

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act decriminalizing the possession of twenty-eight grams or
2 less of marijuana and providing penalties including partici-
3 pation in a drug education program.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two hundred four point four hundred
2 one (204.401), subsection three (3), Code 1977 Supplement,
3 is amended by striking the subsection and inserting in lieu
4 thereof the following:

5 3. It is unlawful for a person knowingly or intentionally
6 to possess a controlled substance unless the substance was
7 obtained directly from or pursuant to a valid prescription
8 or order of a practitioner while acting in the course of his
9 or her professional practice or except as otherwise authorized
10 by this chapter. A person who is convicted of a violation
11 of this subsection shall be punished as follows:

12 a. If the controlled substance is a controlled substance
13 which is not marijuana, the person shall be guilty of a serious
14 misdemeanor.

15 b. If the controlled substance is more than twenty-eight
16 grams of marijuana, the person shall be guilty of a simple
17 misdemeanor.

18 c. If the controlled substance is twenty-eight grams or
19 less of marijuana, the person shall be subject to a civil
20 fine of not to exceed one hundred dollars, and the person
21 may be ordered to participate in a drug education program
22 approved by the state department of substance abuse if the
23 court finds that such a program would benefit the person.

24 A person who violates the provisions of this lettered paragraph
25 shall be issued a citation and shall be treated as provided
26 in sections eight hundred five point two (805.2) through eight
27 hundred five point five (805.5) of the Code Supplement. A
28 person who possesses twenty-eight grams or less of marijuana
29 shall be conclusively presumed to possess the marijuana for
30 personal use and not for manufacture or delivery.

31 All or part of a sentence imposed pursuant to paragraph
32 a or b of this subsection may be suspended and the person
33 placed on probation upon terms and conditions imposed by the
34 court including the active participation by the person in
35 a drug treatment, rehabilitation, or education program approved

1 by the court.

2 Sec. 2. This Act is effective January 1, 1979.

3 EXPLANATION

4 This bill provides the following penalties for unlawful
5 possession of a controlled substance:

6 1. A civil fine not to exceed \$100 and participation in
7 a drug education program for possession of 28 grams or less
8 of marijuana.

9 2. Up to 30 days in jail or up to a \$100 fine for
10 possession of more than 28 grams of marijuana.

11 3. Up to one year in jail or up to a \$1,000 fine or both
12 for possession of a controlled substance other than mari-
13 juana.

14 Present law provides the following penalties for unlawful
15 possession of a controlled substance:

16 1. Up to six months in jail or up to a \$1,000 fine or
17 both for possession of marijuana.

18 2. Up to one year in jail or up to a \$1,000 fine or both
19 for possession of a controlled substance other than marijuana.

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