

Judiciary 2/27

FILED FEB 28 1969

SENATE FILE 296

By BROWN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act decriminalizing the possession of one hundred grams
2 or less of marijuana and providing penalties.
3 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 one (1), paragraph b, Code 1979,
3 is amended to read as follows:

4 b. Any other controlled substance classified in schedules
5 I, II, or III, is guilty of a class "D" felony except that
6 a person who possesses one hundred grams or less of marijuana
7 is conclusively presumed to possess the marijuana for personal
8 use and not for manufacture or delivery.

9 Sec. 2. Section two hundred four point four hundred one
10 (204.401), subsection three (3), Code 1979, is amended by
11 striking the subsection and inserting in lieu thereof the
12 following:

13 3. It is unlawful for a person knowingly or intention-
14 ally to possess a controlled substance unless the substance
15 was obtained directly from or pursuant to a valid prescrip-
16 tion or order of a practitioner while acting in the course
17 of his or her professional practice, or except as otherwise
18 authorized by this chapter. A person who is convicted of
19 a violation of this subsection shall be punished as follows:

20 a. If the controlled substance is not marijuana, the
21 person is guilty of a serious misdemeanor.

22 b. If the controlled substance is more than one hundred
23 grams of marijuana, the person is guilty of a simple
24 misdemeanor.

25 c. If the controlled substance is one hundred grams or
26 less of marijuana, the person is subject to a civil fine of
27 not to exceed one hundred dollars. A person who violates
28 the provisions of this lettered paragraph shall be issued
29 a citation and treated as provided in sections eight hundred
30 five point one (805.1) through eight hundred five point five
31 (805.5) of the Code. A person who possesses one hundred grams
32 or less of marijuana is conclusively presumed to possess the
33 marijuana for personal use and not for manufacture or delivery.

34 All or part of a sentence imposed pursuant to this section
35 may be suspended and the person placed on probation upon terms

1 and conditions imposed by the court, including the active
2 participation by the person in a drug treatment, rehabili-
3 tation, or education program approved by the court.

4 Sec. 4. This Act is effective January first following
5 its enactment.

6 EXPLANATION

7 This bill decriminalizes the possession of one hundred
8 grams or less of marijuana and provides the following
9 penalties:

10 1. A civil fine not to exceed \$100 for possession of 100
11 grams or less of marijuana.

12 2. Up to 30 days in jail or up to a \$100 fine for pos-
13 session of more than 100 grams of marijuana.

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

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