

March 12, 1969  
Law Enforcement, Pass 3-20  
Sen. " " 4-19, Pass as amended 4-24

HOUSE FILE 516

By VOORHEES, DOOLEY  
and SORG

Passed House, Date 4-19-69 Passed Senate, Date 5-22-69

Vote: Ayes 95 Nays 0 Vote: Ayes 50 Nays 0

Approved .....

Passed House as amended  
by Senate 5/23;  
95-2

## A BILL FOR

1 An Act relating to depressant, stimulant, and hallucinogenic

2 drugs.

3 *Be It Enacted by the General Assembly of the State of Iowa:*

4 Section 1. Chapter one hundred eighty-nine (189), section

5 one (1), subsection three (3), Acts of the Sixty-second General

6 Assembly, is hereby amended by striking from line three (3)

7 the words "prior to the effective date of this Act".

8 Sec. 2. Chapter one hundred eighty-nine (189), section ten

9 (10), Acts of the Sixty-second General Assembly, is hereby

10 amended as follows:

11 1. By inserting in line one (1) after the word "provisions"

12 the words "of sections three (3) or seven (7)".

13 2. By adding the following:

14 "Any person who violates any of the provisions of sections

15 four (4) or five (5) of this Act shall upon conviction for a

16 first offense be subject to a fine of not more than five hun-

17 dred dollars. On conviction for any second offense, such per-

18 son shall be subject to a fine of not more than one thousand

19 dollars or imprisonment for not more than one year, or both

20 such fine and imprisonment. In any case where the evidence

21 shows that records were kept that were intentionally incorrect

22 to conceal an illegal diversion of drugs, such person shall

23 be guilty of a felony and shall be punished as provided for

24 violations of sections three (3) and seven (7) of this Act."

EXPLANATION OF HOUSE FILE 516

This bill has a technical amendment to keep the state law current with the federal law, and decreases the criminal penalties for violations of the record-keeping requirements of chapter 189, Acts of the Sixty-second General Assembly.

1 Amend House File 516 as follows:

2 1. By inserting in page 1, line 19, after the word  
3 "imprisonment" the words "in the county jail".

4 2. By inserting after page 1, line 24, the following  
5 new subsection:

6 "By inserting in line four (4) after the word 'imprison-  
7 ment' the words 'in the penitentiary'".

8 3. By adding the following new section:

9 Chapter one hundred eighty-nine (189), section eleven  
10 (11), Acts of the Sixty-second (62nd) General Assembly, is  
11 hereby amended as follows:

12 1. By inserting in line six (6) after the word  
13 "imprisonment" the words "in the penitentiary".

14 2. By inserting in line nine (9) after the word  
15 "imprisonment" the words "in the penitentiary".

16 4. By adding the following new section:

17 Section two hundred four point twenty (204.20), Code  
18 1966, is hereby amended by adding thereto the following new  
19 subsection:

20 "5. Any person violating this chapter by possessing, pur-  
21 chasing, or attempting to purchase marijuana in such quantity  
22 that it can be logically inferred that such marijuana is  
23 intended for personal use only and is not held for sale to  
24 others, and such marijuana is not part of any other narcotic  
25 drug, shall be guilty of possession of marijuana for personal  
26 use and shall, upon a first conviction after July 1, 1969, be  
27 imprisoned in the county jail not to exceed six months or be  
28 fined not to exceed one thousand dollars, or both. All or any  
29 part of the sentence may be suspended or such person may be  
30 granted probation upon a finding by the court that a recurrence  
31 of a violation of this chapter by such person is not likely.

32 Any person violating this chapter by possession, purchasing,  
33 or attempting to purchase marijuana in such quantity that it  
34 can logically be inferred that such marijuana is intended for  
35 sale shall be guilty of possession of marijuana held for sale  
36 and shall be punished as provided in subsection one (1) of this  
37 section. Possession of marijuana for personal use shall be a  
38 lesser included offense of possession of marijuana held for  
39 sale. Second and subsequent offenses of possession of  
40 marijuana for whatever purpose shall be punished as provided  
41 in subsection one (1) of this section."

Filed - adopted 5-22  
April 24, 1969

*Senate*  
By COMMITTEE ON LAW ENFORCEMENT

SENATE AMENDMENT TO HOUSE FILE 516

*House  
conferred  
5/23*

1 Amend House File 516 as follows:

2 1. By inserting in page 1, line 19, after the word  
3 "imprisonment" the words "in the county jail".

4 2. By inserting after page 1, line 24, the following  
5 new subsection:

6 "By inserting in line four (4) after the word 'imprison-  
7 ment' the words 'in the penitentiary'".

8 3. By adding the following new section:

9 Chapter one hundred eighty-nine (189), section eleven  
10 (11), Acts of the Sixty-second General Assembly, is hereby  
11 amended as follows:

12 1. By inserting in line six (6) after the word  
13 "imprisonment" the words "in the penitentiary".

14 2. By inserting in line nine (9) after the word  
15 "imprisonment" the words "in the penitentiary".

16 4. By adding the following new section:

17 Section two hundred four point twenty (204.20), Code  
18 1966, is hereby amended by adding thereto the following new  
19 subsection:

20 "5. Any person violating this chapter by possessing,  
21 purchasing, or attempting to purchase marijuana in such  
22 quantity that it can logically be inferred that such marijuana is  
23 intended for personal use only and is not held for sale to others,  
24 and such marijuana is not part of any other narcotic drug, shall  
25 be guilty of possession of marijuana for personal use and shall,  
26 upon a first conviction after July 1, 1969, be imprisoned in  
27 the county jail not to exceed six months or be fined not to exceed  
28 one thousand dollars, or both. All or any part of the sentence  
29 may be suspended or such person may be granted probation upon a  
30 finding by the court that a recurrence of a violation of this  
31 chapter by such person is not likely. Any person violating  
32 this chapter by possession, purchasing, or attempting to purchase  
33 marijuana in such quantity that it can logically be inferred  
34 that such marijuana is intended for sale shall be guilty  
35 of possession of marijuana held for sale and shall be  
36 punished as provided in subsection one (1) of this section.  
37 Possession of marijuana for personal use shall be a lesser  
38 included offense of possession of marijuana held for sale.  
39 Second and subsequent offenses of possession of marijuana  
40 for whatever purpose shall be punished as provided in sub-  
41 section one (1) of this section."

Received

May 22, 1969