

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1459

Introduced by

Representatives Mitskog, Heinert, Schneider

Senator Larson

1 A BILL for an Act to amend and reenact section 19-03.1-23.1 of the North Dakota Century  
2 Code, relating to increased penalties for drug offenses within three hundred feet of a public  
3 park; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 19-03.1-23.1 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **19-03.1-23.1. Increased penalties for aggravating factors in drug offenses - Penalty.**

8 1. A person who violates section 19-03.1-23 is subject to the penalties provided in  
9 subsection 2 if:

- 10 a. The offense was committed during a school sponsored activity or was committed  
11 during the hours of six a.m. to ten p.m. if school is in session, the offense  
12 involved the manufacture, delivery, or possession, with intent to manufacture or  
13 deliver a controlled substance in, on, or within three hundred feet [91.4 meters] of  
14 the real property comprising a preschool facility, a public or private elementary or  
15 secondary school, or a public career and technical education school, the  
16 defendant was at least twenty-one years of age at the time of the offense, and  
17 the offense involved the delivery of a controlled substance to a minor;
- 18 b. The offense involved the manufacture, delivery, or possession, with intent to  
19 manufacture or deliver a controlled substance, other than marijuana or  
20 tetrahydrocannabinol, in, on, or within three hundred feet [91.4 meters] of a public  
21 park;
- 22 c. The offense involved:
- 23 (1) Fifty grams or more of a mixture or substance containing a detectable  
24 amount of heroin;

- 1                   (2) Fifty grams or more of a mixture or substance containing a detectable  
2                   amount of:
- 3                   (a) Coca leaves, except coca leaves and extracts of coca leaves from  
4                   which cocaine, ecgonine, and derivatives of ecgonine or their salts  
5                   have been removed;
- 6                   (b) Cocaine, its salts, optical and geometric isomers, and salts of  
7                   isomers;
- 8                   (c) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or  
9                   (d) Any compound, mixture, or preparation that contains any quantity of  
10                  any of the substance referred to in subparagraphs a through c;
- 11                 (3) Twenty-eight grams or more of a mixture or substance described in  
12                  paragraph 2 which contains cocaine base;
- 13                 (4) Ten grams or more of phencyclidine or one hundred grams or more of a  
14                  mixture or substance containing a detectable amount of phencyclidine;
- 15                 (5) One gram, one hundred dosage units, or one-half liquid ounce or more of a  
16                  mixture or substance containing a detectable amount of lysergic acid  
17                  diethylamide;
- 18                 (6) Forty grams or more of a mixture or substance containing a detectable  
19                  amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propanamide or ten  
20                  grams or more of a mixture or substance containing a detectable amount of  
21                  any analog of N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propanamide;
- 22                 (7) Fifty grams or more of a mixture or substance containing a detectable  
23                  amount of methamphetamine;
- 24                 (8) Ten grams, one hundred dosage units, or one-half liquid ounce or more of a  
25                  mixture or substance containing a detectable amount of  
26                  3,4-methylenedioxy-N-methylamphetamine, C<sub>11</sub>H<sub>15</sub>NO<sub>2</sub>;
- 27                 (9) One hundred dosage units or one-half liquid ounce of a mixture or  
28                  substance containing a detectable amount of gamma-hydroxybutyrate or  
29                  gamma-butyrolactone or 1,4 butanediol or any substance that is an analog  
30                  of gamma-hydroxybutyrate; or

