

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB844

Hearing Date: January 24, 2008

Committee On: Judiciary

Introducer(s): (Karpisek)

Title: Change certain drug and alcohol penalty provisions

Roll Call Vote - Final Committee Action:

Placed on General File with Amendments

Vote Results:

7 Yes Senators Ashford, Lathrop, McDonald, McGill,
Pedersen, Pirsch, Schimek

0 No

1 Absent Senators Chambers

0 Present, not voting

Proponents:

Kathy Burson
Tara Kuipers

Representing:

Self
Gage Go Maps

Opponents:

Len Schropper
Susan Kirchmann

Representing:

Self
Self

David Splichal
Marvin Havlat

Self
Nebraska Hemp Growers Association

Neutral:

Representing:

Summary of purpose and/or change:

LB 844 would change the penalties for knowingly or intentionally possessing marijuana in the following instances:

- Possessing marijuana weighing more than one ounce but not more than one pound would go from the current Class IIIA Misdemeanor (7days/\$500/both) to a Class II Misdemeanor (6months/\$1,000/both) and,
- Possessing marijuana weighing one ounce or less would go from an infraction and a \$100 fine, to a Class III Misdemeanor (3months/ \$500/both).

LB 844 would also amend section 28-441(2) of the statutes, (which provides a penalty for the use or possession of drug paraphernalia) by making the penalty for a violation of this section a Class IIIA Misdemeanor which is an increase from the current penalty of an ~~infraction~~. Generally, an infraction carries just a \$100 fine for a first offense.

Finally, LB 844 would section 29-433 (infraction involving controlled substances), by adding section 53-180.01 to 53-180.03 (minor in possession of alcohol statutes) to the section that allows a judge to require the convicted individual to attend a course of instruction relating to the effects of the misuse of drugs, including alcohol and controlled substances, if the judge believes it is in the best interest of the defendant.

Explanation of amendments, if any:

AM 1784 TO LB 844

AM 1784 would make the following changes to LB 844:

- Changes the penalty for possession of more than one ounce but not more than one pound of marijuana under the original bill, from a Class II misdemeanor and replaces it with a Class III Misdemeanor. The current penalty for this crime is a Class IIIA misdemeanor.
- Would leave the current penalty for possession of an ounce or less of marijuana as an infraction, but would increase the fine from \$100 to \$300 for a first offense. The second offense of this section would remain a Class IV misdemeanor but would increase the fine from \$200 to \$400. Finally, the third and all subsequent offenses would remain a Class IIIA misdemeanor, but would increase the fine from \$300 to \$500.
- Would leave possession of drug paraphernalia as an infraction but would clarify in statute that the fine would be \$100, which is the default amount for this fine in statute.

- Would leave the ability for a judge to send a person convicted of an illegal substances offense and for a "minor in possession of alcohol", to a class of instruction relating to the effects of the misuse of drugs, including alcohol and controlled substances in the bill.

Senator Brad Ashford, Chairperson