

HOUSE BILL REPORT

HB 1412

As Passed House:

February 22, 1995

Title: An act relating to marihuana offenses.

Brief Description: Prescribing the penalty for misdemeanor violations for marihuana possession.

Sponsors: Representative Padden.

Brief History:

Committee Activity:

Law & Justice: 2/1/95, 2/10/95 [DP].

Floor Activity:

Passed House: 2/22/95, 95-2.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 17 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Staff: Pat Shelledy (786-7149).

Background: A provision contained in the chapter that governs violations of the Uniform Controlled Substances Act provides that "a person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars." Confusion has arisen whether the reference to "this chapter" refers just to the misdemeanor offense of possessing marihuana or also to the misdemeanor offense of possessing or delivering drug paraphernalia.

Summary of Bill: Current law is clarified to provide that existing mandatory penalties apply to convictions for misdemeanor violations of possessing marihuana and to misdemeanor violations of possessing or delivering drug paraphernalia.

Appropriation: None.

Fiscal Note: Requested February 2, 1995.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is a request of a district court judge to clarify the existing reference to "this chapter."

Testimony Against: This bill will place a burden on local jails for minor offenses.

Testified: Representative Padden, prime sponsor (pro); and Jerry Sheehan, American Civil Liberties Union (con).