

A bill for an act

relating to public safety; mandating measurement of actual amount of controlled substance for determining severity of controlled substance possession offenses; amending Minnesota Statutes 2008, sections 152.01, subdivision 9a; 152.021, subdivision 2; 152.022, subdivision 2; 152.023, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 152.01, subdivision 9a, is amended to read:

Subd. 9a. **Mixture.** "Mixture" means a preparation, compound, mixture, or substance containing a controlled substance, ~~regardless of where purity is relevant only in~~ sections 152.021, subdivision 2; 152.022, subdivision 2; and 152.023, subdivision 2.

EFFECTIVE DATE. This section is effective August 1, 2010, and applies to offenses committed on or after that date.

Sec. 2. Minnesota Statutes 2008, section 152.021, subdivision 2, is amended to read:

Subd. 2. **Possession crimes.** A person is guilty of a controlled substance crime in the first degree if:

(1) the person unlawfully possesses one or more mixtures ~~of a total weight of 25 grams or more~~ containing cocaine, heroin, or methamphetamine and the total weight of the controlled substance is 25 grams or more;

(2) the person unlawfully possesses one or more mixtures ~~of a total weight of 500 grams or more~~ containing a narcotic drug other than cocaine, heroin, or methamphetamine and the total weight of the controlled substance is 500 grams or more;

(3) the person unlawfully possesses one or more mixtures ~~of a total weight of 500 grams or more~~ containing amphetamine, phencyclidine, or hallucinogen and the total

weight of the controlled substance is 500 grams or more or, if the controlled substance is packaged in dosage units, equaling 500 or more dosage units; or

(4) the person unlawfully possesses one or more mixtures of a total weight of 100 kilograms or more containing marijuana or Tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2010, and applies to offenses committed on or after that date.

Sec. 3. Minnesota Statutes 2008, section 152.022, subdivision 2, is amended to read:

Subd. 2. **Possession crimes.** A person is guilty of controlled substance crime in the second degree if:

(1) the person unlawfully possesses one or more mixtures ~~of a total weight of six grams or more~~ containing cocaine, heroin, or methamphetamine and the total weight of the controlled substance is six grams or more;

(2) the person unlawfully possesses one or more mixtures ~~of a total weight of 50 grams or more~~ containing a narcotic drug other than cocaine, heroin, or methamphetamine and the total weight of the controlled substance is 50 grams or more;

(3) the person unlawfully possesses one or more mixtures ~~of a total weight of 50 grams or more~~ containing amphetamine, phencyclidine, or hallucinogen and the total weight of the controlled substance is 50 grams or more or, if the controlled substance is packaged in dosage units, equaling 100 or more dosage units; or

(4) the person unlawfully possesses one or more mixtures of a total weight of 50 kilograms or more containing marijuana or Tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2010, and applies to offenses committed on or after that date.

Sec. 4. Minnesota Statutes 2008, section 152.023, subdivision 2, is amended to read:

Subd. 2. **Possession crimes.** A person is guilty of controlled substance crime in the third degree if:

(1) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures ~~of a total weight of three grams or more~~ containing cocaine, heroin, or methamphetamine and the total weight of the controlled substance is three grams or more;

(2) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures ~~of a total weight of ten grams or more~~ containing a narcotic drug

H.F. No. 2756, as introduced - 86th Legislative Session (2009-2010) [10-4955]

other than cocaine, heroin, or methamphetamine and the total weight of the controlled substance is ten grams or more;

(3) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures containing a narcotic drug, it is packaged in dosage units, and equals 50 or more dosage units;

(4) on one or more occasions within a 90-day period the person unlawfully possesses any amount of a schedule I or II narcotic drug or five or more dosage units of lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility;

(5) on one or more occasions within a 90-day period the person unlawfully possesses one or more mixtures of a total weight of ten kilograms or more containing marijuana or Tetrahydrocannabinols; or

(6) the person unlawfully possesses one or more mixtures containing methamphetamine or amphetamine in a school zone, a park zone, a public housing zone, or a drug treatment facility.

EFFECTIVE DATE. This section is effective August 1, 2010, and applies to offenses committed on or after that date.