

HOUSE BILL NO. HB0099

Wyoming Controlled Substances Act-amendments.

Sponsored by: Representative(s) McMurtrey

A BILL

for

1 AN ACT relating to Wyoming Controlled Substances Act;
2 amending penalties for various offenses under the act as
3 specified; creating the crime of possession of drug
4 paraphernalia; and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 35-7-1031(c)(i)(intro), 35-7-1039,
9 35-7-1040 and 35-7-1056 are amended to read:

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11 **35-7-1031. Unlawful manufacture or delivery;**
12 **counterfeit substance; unlawful possession.**

13

14 (c) It is unlawful for any person knowingly or
15 intentionally to possess a controlled substance unless the
16 substance was obtained directly from, or pursuant to a
17 valid prescription or order of a practitioner while acting

1 in the course of his professional practice, or except as
2 otherwise authorized by this act. Any person who violates
3 this subsection:

4
5 (i) And has in his possession a controlled
6 substance in the amount set forth in this paragraph is
7 guilty of a misdemeanor punishable by imprisonment for not
8 more than twelve (12) months, a fine of not more than one
9 thousand dollars (\$1,000.00), or both. Any person
10 convicted for a third or subsequent offense under this
11 paragraph, including convictions for violations of similar
12 laws in other jurisdictions, shall be imprisoned for a term
13 not more than five (5) years, fined not more than five
14 thousand dollars (\$5,000.00), or both. For purposes of
15 this paragraph, the amounts of a controlled substance are
16 as follows:

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18 **35-7-1039. Person using or under influence of**
19 **controlled substance.**

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21 Any person who knowingly or intentionally uses or is under
22 the influence of a controlled substance listed in Schedules
23 I, II or III except when administered or prescribed by or
24 under the direction of a licensed practitioner, shall be

1 guilty of a misdemeanor and shall be punished by
2 imprisonment in the county jail not to exceed ~~ninety (90)~~
3 ~~days~~ six (6) months or a fine not to exceed ~~one hundred~~
4 ~~dollars (\$100.00)~~ seven hundred fifty dollars (\$750.00), or
5 by both.

6

7 **35-7-1040. Planting, cultivating or processing**
8 **marihuana, peyote or opium poppy.**

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10 Any person who knowingly or intentionally plants,
11 cultivates, harvests, dries, or processes any marihuana,
12 peyote, or opium poppy except as otherwise provided by law
13 shall be guilty of a misdemeanor and shall be punished by
14 imprisonment not to exceed ~~six (6) months~~ one (1) year in
15 the county jail or by a fine not to exceed one thousand
16 dollars (\$1,000.00), or both.

17

18 **35-7-1056. Possession or delivery of, or possession**
19 **with intent to deliver, drug paraphernalia.**

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21 (a) It is unlawful for any person to possess drug
22 paraphernalia. Any person who violates this subsection is
23 guilty of a crime and, upon conviction, may be imprisoned

1 for not more than ninety (90) days, fined not more than one
2 hundred dollars (\$100.00), or both.

3

4 (b) It is unlawful for any person to deliver, or
5 possess with intent to deliver, drug paraphernalia. Any
6 person who violates this ~~section~~ subsection is guilty of a
7 crime and, upon conviction, may be imprisoned for not more
8 than six (6) months, fined not more than seven hundred
9 fifty dollars (\$750.00), or both.

10

11 **Section 2.** This act is effective July 1, 2004.

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(END)