

SF0096SW001

Delete the standing committee amendment (SF0096SS001/A) entirely and further amend as follows:

Page 1-line 4 After "forms;" insert "specifying penalties;".

Page 1-line 9 After "W.S." delete balance of line and insert "35-7-1031(a)(ii) and by creating new paragraphs (v) and (vi) and (c) by creating a new paragraph (vi)".

Page 1-line 10 Delete "subparagraphs (G) and (H)".

Page 1-after line 13 Insert:

(a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance. Any person who violates this subsection with respect to:

(ii) Except as provided in paragraphs (v) and (vi) of this subsection, any other controlled substance classified in Schedule I, II or III, is guilty of a crime and upon conviction may be imprisoned for not more than ten (10) years, fined not more than ten thousand dollars (\$10,000.00), or both;

(v) Any baked goods, candies, drinks, edibles or any other similar form containing marihuana or tetrahydrocannabinols is guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than five thousand dollars (\$5,000.00), or both. For purposes of this paragraph, "possess with intent to manufacture or deliver" means the person is in possession of greater than three (3) ounces of any controlled substance specified in this paragraph;

(vi) Except as otherwise provided in this subsection, any controlled substance in any other form is guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than five thousand dollars (\$5,000.00), or both. For purposes of this paragraph, "possess with intent to manufacture or deliver" means the person is in possession of greater than three (3) grams of any controlled substance specified in this paragraph.

Page 2-after line 15 Insert:

"(vi) And has in his possession the specified controlled substance in the amount set forth in subparagraph (A) or (B) of this paragraph may be imprisoned for not more than four (4) weekends in the county jail, fined not more than three hundred dollars (\$300.00), or both. A second conviction under this paragraph within three (3) years from the date of the first conviction is punishable by imprisonment of not more than thirty (30) days in the county jail, a fine of not more than one thousand dollars (\$1,000.00), or both. A third or subsequent conviction under this paragraph within three (3) years from the date of the first conviction is punishable by imprisonment of not more than one hundred twenty (120) days in the county jail, a fine of not more than three thousand dollars (\$3,000.00), or both. In addition to, or in lieu of, the punishment that the judge may impose under this paragraph, the judge may require substance abuse treatment not to exceed the maximum number of days that the defendant may be imprisoned under this paragraph. For purposes of this paragraph, the amounts of a controlled substance are as follows:

(A) For preparations, compounds, mixtures or substances including but not limited to baked goods, candies, drinks, edibles or any other similar form containing marihuana or tetrahydrocannabinols, not more than three (3) ounces;

(B) Except as otherwise provided in paragraph (c)(i) of this section, for a controlled substance in any other form, not more than three (3) grams."

Page 2-lines 17 through 23 Delete.

Page 3-lines 1 through 15 Delete including the Senate
Standing Committee Amendment (SF0096SS01/A)
to these lines. MEIER