

HOUSE BILL 1835

By Kernell

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 4, relative to certain drug
offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-418, is amended by deleting subsections (b), (c) and (d) and substituting instead the following:

(b)

(1) It is an offense for a person to possess or distribute an amount of marijuana of at least one-eighth ounce (3.543 grams) but not more than one-half (½) ounce (14.175 grams).

(2) It is an offense for a person to possess or distribute a small amount of marijuana of at least 1/1,000 of an ounce (0.028 grams) but less than one-eighth ounce (3.543 grams).

(c)

(1) Except as provided in subsections (d) and (e), a violation of subsection (a) is a Class A misdemeanor.

(2) Except as provided in subsections (d) and (e), a violation of subdivision (b)(1) is a Class A misdemeanor.

(3) Except as provided in subsection (d), a violation of subdivision (b)(2) is a Class A misdemeanor punishable by a fine only of not less than two hundred fifty dollars (\$250) nor more than the authorized fine for a Class A misdemeanor. The first two hundred fifty dollars (\$250) from any such fine shall be used to fund the drug court, if any, in the county where the offense occurred.

(d) A violation of subsection (a) or (b), where there is a casual exchange to a minor from an adult who is at least two (2) years the minor's senior, and who knows that the person is a minor, is punished as a felony as provided in § 39-17-417.

(e) A violation of subsection (a) and subdivision (b)(1) is a Class E felony where the person has two (2) or more prior convictions under this section.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.