

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0236

HOUSE BILL NO. 1061

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise the penalty for the distribution or possession with
2 intent to distribute marijuana to a minor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-42-7 be amended to read as follows:

5 22-42-7. The distribution, or possession with intent to distribute, of less than one-half ounce
6 of marijuana without consideration is a Class 1 misdemeanor; otherwise, the distribution, or
7 possession with intent to distribute, of one ounce or less of marijuana is a Class 6 felony. The
8 distribution, or possession with intent to distribute, of more than one ounce but less than
9 one-half pound of marijuana is a Class 5 felony. The distribution, or possession with intent to
10 distribute, of one-half pound but less than one pound of marijuana is a Class 4 felony. The
11 distribution, or possession with intent to distribute, of one pound or more of marijuana is a Class
12 3 felony. ~~However, the distribution of any amount of marijuana to a minor is a Class 4 felony.~~
13 The distribution, or possession with intent to distribute, of one ounce or less of marijuana to a
14 minor is a Class 5 felony. The distribution, or possession with intent to distribute, of more than
15 one ounce but less than one-half pound of marijuana to a minor is a Class 4 felony. The



1 distribution, or possession with intent to distribute, of one-half pound but less than one pound
2 of marijuana to a minor is a Class 3 felony. The distribution, or possession with intent to
3 distribute, of one pound or more of marijuana to a minor is a Class 2 felony. A first conviction
4 of a felony under this section shall be punished by a mandatory sentence in the state penitentiary
5 or county jail of at least thirty days, which sentence may not be suspended. A second or
6 subsequent conviction of a felony under this section shall be punished by a mandatory sentence
7 of at least one year. Conviction of a Class 1 misdemeanor under this section shall be punished
8 by a mandatory sentence in county jail of not less than fifteen days, which sentence may not be
9 suspended. A civil penalty, not to exceed ten thousand dollars, may be imposed, in addition to
10 any criminal penalty, upon a conviction of a felony violation of this section.