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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. **2757**

February 8, 2010

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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

March 17, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to public safety; establishing use of weight of water used in a controlled
1.3 substance filtration device when determining weight or amount of controlled
1.4 substance; amending Minnesota Statutes 2008, sections 152.01, subdivisions 9a,
1.5 16; 152.021, subdivision 2; 152.022, subdivision 2; 152.023, subdivision 2.

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

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

1.8 Subd. 9a. **Mixture.** "Mixture" means a preparation, compound, mixture, or
1.9 substance containing a controlled substance, regardless of purity except as provided in
1.10 subdivision 16; sections 152.021, subdivision 2, paragraph (b); 152.022, subdivision 2,
1.11 paragraph (b); and 152.023, subdivision 2, paragraph (b).

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

1.14 Sec. 2. Minnesota Statutes 2008, section 152.01, subdivision 16, is amended to read:

1.15 Subd. 16. **Small amount.** "Small amount" as applied to marijuana means 42.5
1.16 grams or less. This provision shall not apply to the resinous form of marijuana. The weight
1.17 of water used in a controlled substance water filtration device may not be considered in
1.18 determining a small amount except in cases where the marijuana is mixed with four or
1.19 more fluid ounces of water.

1.20 Sec. 3. Minnesota Statutes 2008, section 152.021, subdivision 2, is amended to read:

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

2.1 (1) the person unlawfully possesses one or more mixtures of a total weight of 25
2.2 grams or more containing cocaine, heroin, or methamphetamine;

2.3 (2) the person unlawfully possesses one or more mixtures of a total weight of 500
2.4 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

2.5 (3) the person unlawfully possesses one or more mixtures of a total weight of
2.6 500 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the
2.7 controlled substance is packaged in dosage units, equaling 500 or more dosage units; or

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

2.10 (b) For the purposes of this subdivision, the weight of water used in a controlled
2.11 substance water filtration device may not be considered in measuring the weight of a
2.12 mixture except in cases where the mixture contains four or more fluid ounces of water.

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

2.15 Sec. 4. Minnesota Statutes 2008, section 152.022, subdivision 2, is amended to read:

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

2.18 (1) the person unlawfully possesses one or more mixtures of a total weight of six
2.19 grams or more containing cocaine, heroin, or methamphetamine;

2.20 (2) the person unlawfully possesses one or more mixtures of a total weight of 50
2.21 grams or more containing a narcotic drug other than cocaine, heroin, or methamphetamine;

2.22 (3) the person unlawfully possesses one or more mixtures of a total weight of
2.23 50 grams or more containing amphetamine, phencyclidine, or hallucinogen or, if the
2.24 controlled substance is packaged in dosage units, equaling 100 or more dosage units; or

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

2.27 (b) For the purposes of this subdivision, the weight of water used in a controlled
2.28 substance water filtration device may not be considered in measuring the weight of a
2.29 mixture except in cases where the mixture contains four or more fluid ounces of water.

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

2.32 Sec. 5. Minnesota Statutes 2008, section 152.023, subdivision 2, is amended to read:

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

3.3 (1) on one or more occasions within a 90-day period the person unlawfully possesses
3.4 one or more mixtures of a total weight of three grams or more containing cocaine, heroin,
3.5 or methamphetamine;

3.6 (2) on one or more occasions within a 90-day period the person unlawfully possesses
3.7 one or more mixtures of a total weight of ten grams or more containing a narcotic drug
3.8 other than cocaine, heroin, or methamphetamine;

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

3.12 (4) on one or more occasions within a 90-day period the person unlawfully
3.13 possesses any amount of a schedule I or II narcotic drug or five or more dosage
3.14 units of lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
3.15 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing
3.16 zone, or a drug treatment facility;

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

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

3.23 (b) For the purposes of this subdivision, the weight of water used in a controlled
3.24 substance water filtration device may not be considered in measuring the weight of a
3.25 mixture except in cases where the mixture contains four or more fluid ounces of water.

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