

SENATE BILL 1942

By Marrero B

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.