

072193554

HOUSE BILL NO. 1857

Offered January 10, 2007

Prefiled January 3, 2007

A BILL to amend and reenact § 18.2-250.1 of the Code of Virginia, relating to possession of marijuana on school grounds; penalty.

Patron—Wittman

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-250.1 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-250.1. Possession of marijuana unlawful.

A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

~~Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.~~

Any person who violates this section ~~shall be~~ subsection is guilty of a misdemeanor, and ~~shall be~~ confined in jail not more than ~~thirty~~ 30 days and ~~shall be ordered to pay~~ a fine of not more than \$500, either or both; any person, upon a second or subsequent conviction of a violation of this section, ~~shall be subsection, is~~ guilty of a Class 1 misdemeanor.

B. Any person who knowingly or intentionally possesses marijuana (i) upon the property, including buildings and grounds, of any public or private elementary, secondary, or post-secondary school, or any public or private two-year or four-year institution of higher education or (ii) on any school bus as defined in § 46.2-100, is guilty of a Class 1 misdemeanor, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

C. ~~Upon the prosecution of a person for violation of this section, ownership or occupancy of the premises or vehicle upon or in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.~~

~~B-D.~~ The provisions of this section shall not apply to members of state, federal, county, city or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

INTRODUCED

HB1857