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HOUSE BILL NO. 2654

Offered January 20, 1997

A BILL to amend and reenact § 18.2-250.1 of the Code of Virginia and to repeal § 18.2-251.1 of the Code of Virginia, relating to possession of marijuana.

Patrons—Katzen, Albo, Bryant, Callahan, Ingram, Johnson, Kilgore, Nixon, Rollison, Wardrup and Way;
Senator: Potts

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 guilty of a misdemeanor, and be confined in jail not more than thirty days and 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 guilty of a Class 1 misdemeanor.

B. The provisions of this section shall not apply to members of state, federal, county, city or town law-enforcement agencies 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.

2. That § 18.2-251.1 of the Code of Virginia is repealed.

INTRODUCED

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