

Ordinance No. 2013-31

Bill No. 129

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 8, PUBLIC PEACE, SAFETY AND MORALS, AT CHAPTER 8.04, PROHIBITED CONDUCT, AT SECTION 8.04.127 ENTITLED "MARIJUANA POSSESSION WITHOUT MEDICAL PRIVILEGE CARD IS MISDEMEANOR," BY ADDING SECTIONS PERTINENT TO FINES IN ACCORDANCE WITH NEVADA REVISED STATUTE 453.3361, AND OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal Effect: None

The Carson City Board of Supervisors does hereby ordain as follows:

SECTION 1: That Title 8, Public Peace, Safety and Morals, at Chapter 8.04, Prohibited Conduct, at Section 8.04.127 of the Carson City Municipal Code ("CCMC"), entitled "[m]arijuana possession without medical privilege card is misdemeanor," is hereby amended as follows (**bold underlined text** is added and stricken text is deleted) to address the manner in which money collected from fines is to be disbursed in accordance with Nevada Revised Statute ("NRS") 453.3361.

Chapter 8.04

PROHIBITED CONDUCT

SECTION 1:

. . .

8.04.127 - Marijuana possession without medical privilege card is a misdemeanor.

Except for possession of drug contraband by a prisoner which is still a felony under NRS 212.160, a person convicted of possession of one (1) ounce or less of marijuana:

1. For the first offense, is guilty of a misdemeanor and shall be:
 - a. Punished by a fine not more than six hundred dollars (\$600.00); or
 - b. Examined by an approved facility for the treatment of abuse of drugs to determine whether he is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that he is a

drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

For the second offense, is guilty of a misdemeanor and shall be:

- a. Punished by a fine of not more than one thousand dollars (\$1,000.00); or
- b. Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

3. For the third offense, is guilty of a gross misdemeanor and s shall be punished as provided in NRS 193.140.

4. For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

- 5. Fines imposed pursuant hereto or pursuant to NRS 453.336 shall be, in a manner determined by the court, evenly allocated among:**
- a. Nonprofit programs for the treatment of abuse of alcohol or drugs that are certified by the Health Division of the Nevada State Department of Health and Human Services;**
 - b. A program of treatment and rehabilitation established by a court pursuant to NRS 453.580, if any; and**
 - c. Local law enforcement agencies.**

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SECTION 2: No other provisions of the CCMC are affected hereby, except that all ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the CCMC in conflict herewith are hereby repealed.

PROPOSED ON December 5, 2013, by Supervisor Brad Bonkowski.

PASSED December 19, 2013, by the following vote:

AYES: Supervisor Karen Abowd
Supervisor Brad Bonkowski
Supervisor John McKenna
Supervisor Jim Shirk
Mayor Robert Crowell

NAYS: None.

ABSENT: None.

ABSTAIN: None.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the 22nd day of December, 2013.