

**Bill Summary**  
1<sup>st</sup> Session of the 59<sup>th</sup> Legislature

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| <b>Bill No.:</b>    | <b>SB 108</b>         |
| <b>Version:</b>     | <b>FS</b>             |
| <b>Request No.:</b> | <b>2013</b>           |
| <b>Author:</b>      | <b>Sen. Bergstrom</b> |
| <b>Date:</b>        | <b>03/21/2023</b>     |

**Bill Analysis**

SB 108 provides that any person convicted of possessing or selling multiple Schedule I or Schedule II substances for the second time within 10 years of the last conviction shall be guilty of a misdemeanor and required to complete a diversion program for up to 1 year following the conviction. A third conviction shall subject the offender to a minimum of 30 days in the county jail and a fine not exceeding \$1,000.00. Such persons may be required to complete a diversion program for up to 3 years. The provides that any person convicted of possessing or selling multiple Schedule I or Schedule II substances for the fourth time within 10 years of the last conviction shall be guilty of a felony and subject to a term of imprisonment not exceeding 5 years and/or a fine not to exceed \$5,000.00. The measure also provides that the court may order a person convicted for the possession or sell of a dangerous controlled substance to complete a substance abuse assessment and evaluation and a diversion program. The court may, without entering a judgment of guilty with the consent of the defendant, defer further proceeding upon the specific conditions prescribed by the court not to exceed a 3-year period. The court is authorized to order a defendant to complete a diversion program in lieu of other punishments.

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