

GUYANA

BILL No. 16 of 2020

**NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES
(CONTROL) (AMENDMENT) BILL 2020**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 4 of the Principal Act.
3. Amendment of section 5 of the Principal Act.
4. Amendment of section 12 of the Principal Act.

A BILL

Intituled

AN ACT to amend the Narcotic Drugs and Psychotropic Substances (Control) Act.

A.D.2020 Enacted by the Parliament of Guyana: -

Short title.
No. 2 of 1988

1. This Act, which amends the Narcotic Drugs and Psychotropic Substances Control Act, may be cited as the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Act 2020.

Amendment of
section 4 of the
Principal Act.

2. Section 4 of the Principal Act is amended as follows –

(a) Section 4(1)(a)(i), is amended by deleting the words “together with imprisonment for not less than three years nor more than five years;”.

“Penalty for
possession of
narcotic.

(b) Section 4(1)(a)(ii), is amended by deleting the words “together with imprisonment for not less than five years nor more than ten years;”.

Amendment of
section 5 of the
Principal Act.

3. Section 5 (2)(e) of the Principal Act is amended by substituting for the words

“Penalty
for
trafficking
in narcotic.

“fifteen grams of cannabis or cannabis resin” the words “five hundred grams of cannabis or cannabis resin.”.

Amendment of
section 12 of
the Principal
Act.

4. Section 12 of the Principal Act is amended as follows-

“Penalty for
certain other
acts
connected
with
narcotics.

- (a) in subsection (1)(a), by deleting the word “cannabis”;
- (b) in subsection (1)(b), deleting the word “cannabis”;
- (c) in subsection (1)(c)(i), by deleting the word “cannabis”;
- (d) in subsection (1)(d), by deleting the word “cannabis”;

EXPLANATORY MEMORANDUM

The Bill is based on the experience of several citizens particularly young citizens who have been incarcerated for small quantities of cannabis or cannabis resin, who as a result of their incarceration, have been economically and socially disadvantaged.

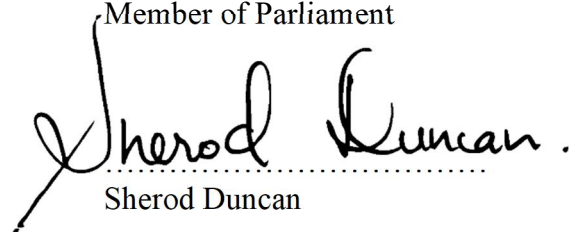
This experience has further revealed that many of the young persons who have been remanded and incarcerated as a result of being charged with offences which involved relatively small quantities of cannabis or cannabis resin, have been exposed to persons who have been accused of and have been involved in much more serious violent offences. The social intercourse afforded by the incarceration has resulted in regrettable contamination and education of many young persons in criminal behavior and anti-social tendencies.

The current statutory provision which deems a person to be trafficking in cannabis if he / she has in possession fifteen or more grams of Cannabis or cannabis resin has resulted in many persons who had quantities in excess of fifteen grams on their possession for personal or medical use being incarcerated for three years and more.

The proposed amendments will remove the mandatory imprisonment of persons who have been accused of having in their possession relatively small amounts of cannabis and cannabis resin.

The amendment will also increase the quantity which will constitute trafficking in cannabis or cannabis resin to five hundred grams.

Member of Parliament



Sherod Duncan

December 10, 2020.

