

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

---

## DIGEST

Morrell (SB 323)

Present law provides penalties for the present law crimes of distribution or possession with intent to distribute marijuana and possession of synthetic cannabinoids.

Present law provides that on a first conviction for possession of marijuana or synthetic cannabinoids, the offender is to be fined up to \$500, imprisoned for up to six months, or both.

Present law provides that on a second conviction for possession of marijuana or synthetic cannabinoids, the offender is to be fined between \$250 and \$2,000, imprisoned with or without hard labor for up to five years, or both. Present law further provides that if the court places the offender on probation, the probation must require the offender to participate in a court-approved substance abuse program and perform four eight-hour days of court-approved community service, with any costs associated with probation to be paid by the offender.

Present law provides that on a third or subsequent conviction for possession of marijuana or synthetic cannabinoids, the offender is to be imprisoned with or without hard labor for up to 20 years, and also may be fined up to \$5,000.

Present law provides that a conviction for the violation of any other statute or ordinance with the same elements as present law relative to simple possession of marijuana or synthetic cannabinoids is considered to be a prior conviction for the purposes of present law penalties for second, third, or subsequent offenders.

Present law provides that a conviction for the violation of any other statute or ordinance with the same elements as present law prohibiting the distributing or dispensing or possession with intent to distribute or dispense marijuana or synthetic cannabinoids is considered to be a prior conviction for the purposes of present law penalties for second, third, or subsequent offenders.

Proposed law reduces the penalty for possession of marijuana for any offense, not only first offense, to a fine of up to \$100, or imprisonment for up to six months, or both.

Proposed law retains the present law penalties for first and subsequent offenses relative to possession of synthetic cannabinoids.

Proposed law retains present law relative to prior convictions of possession of synthetic cannabinoids.

Present law provides relative to enhanced sentencing for second and subsequent violations of the Uniform Controlled Dangerous Substances Law.

Proposed law retains present law except to exclude possession of marijuana from these enhanced sentencing provisions of present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:966(E) and 982)