

2015 Regular Session

HOUSE BILL NO. 149

BY REPRESENTATIVE BADON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/SENTENCING: Amends certain criminal penalties for possession of marijuana

1 AN ACT

2 To amend and reenact R.S. 40:966(E), relative to possession of marijuana; to amend the
3 criminal penalties for certain offenses; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 40:966(E) is hereby amended and reenacted to read as follows:

6 §966. Penalty for distribution or possession with intent to distribute narcotic drugs
7 listed in Schedule I; possession of marijuana; possession of synthetic
8 cannabinoids

9 * * *

10 E.(1) Possession of marijuana, ~~or synthetic cannabinoids.~~ (1)(a) Except as
11 provided in Subsections ~~E and F and G~~ F and G of this Section, on a first conviction for
12 violation of Subsection C of this Section with regard to marijuana,
13 tetrahydrocannabinol, or chemical derivatives thereof, ~~or synthetic cannabinoids~~ the
14 offender shall be fined not more than five hundred dollars, imprisoned ~~in the parish~~
15 ~~jail~~ for not more than six months, or both.

16 ~~(2)(a)(b)~~ (2)(a)(b) Except as provided in ~~Subsection~~ Subsections ~~F or and G~~ F and G of this
17 Section, on a second conviction for violation of Subsection C of this Section with
18 regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, ~~or~~
19 ~~synthetic cannabinoids~~, the offender shall be fined not ~~less than two hundred fifty~~

1 ~~dollars, nor more than two thousand~~ five hundred dollars, imprisoned with or without
2 hard labor for not more than ~~five years~~ two years, or both.

3 ~~(b)~~(c) If the court places the offender on probation, the probation shall
4 provide for a minimum condition that he participate in a court-approved substance
5 abuse program and perform four eight-hour days of court-approved community
6 service activities. Any costs associated with probation shall be paid by the offender.

7 ~~(3)~~(d) Except as provided in ~~Subsection~~ Subsections F ~~or and~~ G of this
8 Section, on a third ~~or subsequent~~ conviction for violation of Subsection C of this
9 Section with regard to marijuana, tetrahydrocannabinol₂ or chemical derivatives
10 thereof, ~~or synthetic cannabinoids~~, the offender shall be fined not more than two
11 thousand dollars, ~~sentenced to imprisonment~~ imprisoned with or without hard labor
12 for not more than ~~twenty five~~ five years, ~~and may, in addition, be sentenced to pay a fine~~
13 ~~of not more than five thousand dollars~~ or both.

14 (e) Except as provided in Subsections F and G of this Section, on a fourth
15 or subsequent conviction for violation of Subsection C of this Section with regard
16 to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, the offender
17 shall be fined not more than two thousand dollars, imprisoned with or without hard
18 labor for not more than eight years, or both.

19 ~~(4)~~(f) A conviction for the violation of any other statute provision of law or
20 ordinance with the same elements as ~~R.S. 40:966(C)~~ Subsection C of this Section
21 prohibiting the possession of marijuana, tetrahydrocannabinol₂ or chemical
22 derivatives thereof, ~~or synthetic cannabinoids~~ shall be considered as a prior
23 conviction for the purposes of this ~~Subsection~~ Paragraph relating to penalties for
24 second, third, fourth, or subsequent offenders.

25 ~~(5)~~(g) A conviction for the violation of any other statute provision of law or
26 ordinance with the same elements as ~~R.S. 40:966(B)(3)~~ Paragraph (B)(3) of this
27 Section prohibiting the distributing or dispensing or possession with intent to
28 distribute or dispense marijuana, ~~of marijuana,~~[†] tetrahydrocannabinol₂ or chemical
29 derivatives thereof, ~~or synthetic cannabinoids~~ shall be considered as a prior

1 conviction for the purposes of this ~~Subsection~~ Paragraph relating to penalties for
2 second, third, fourth, or subsequent offenders.

3 (2) Possession of synthetic cannabinoids. (a) Except as provided in
4 Subsections F and G of this Section, on a first conviction for violation of Subsection
5 C of this Section with regard to synthetic cannabinoids, the offender shall be fined
6 not more than five hundred dollars, imprisoned for not more than six months, or
7 both.

8 (b) Except as provided in Subsections F and G of this Section, on a second
9 conviction for violation of Subsection C of this Section with regard to synthetic
10 cannabinoids, the offender shall be fined not less than two hundred fifty dollars nor
11 more than two thousand dollars, imprisoned with or without hard labor for not more
12 than five years, or both.

13 (c) Except as provided in Subsections F and G of this Section, on a third or
14 subsequent conviction for violation of Subsection C of this Section with regard to
15 synthetic cannabinoids, the offender shall be sentenced to imprisonment with or
16 without hard labor for not more than twenty years, and may, in addition, be fined not
17 more than five thousand dollars.

18 (d) A conviction for the violation of any other provision of law or ordinance
19 with the same elements as Subsection C of this Section prohibiting the possession
20 of synthetic cannabinoids shall be considered a prior conviction for the purposes of
21 this Paragraph relating to penalties for second, third, or subsequent offenses.

22 (e) A conviction for the violation of any other provision of law or ordinance
23 with the same elements as Paragraph (B)(3) of this Section prohibiting the
24 distributing or dispensing or possession with intent to distribute or dispense synthetic
25 cannabinoids shall be considered a prior conviction for the purposes of this
26 Paragraph relating to penalties for second, third, or subsequent offenses.

27 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 149 Engrossed

2015 Regular Session

Badon

Abstract: Amends the criminal penalties for second and subsequent convictions of possession of marijuana.

Present law provides for the following penalties with regard to the crime of possession of marijuana or synthetic cannabinoids:

- (1) On a first conviction, the offender shall be fined not more than \$500, imprisoned in the parish jail for not more than six months, or both.
- (2) On a second conviction, the offender shall be fined not less than \$250 nor more than \$2,000, imprisoned with or without hard labor for not more than five years, or both.
- (3) On a third or subsequent conviction, the offender shall be sentenced to imprisonment with or without hard labor for not more than 20 years, and may, in addition, be sentenced to pay a fine of not more than \$5,000.

Proposed law amends the penalties for possession of marijuana as follows:

- (1) On a first conviction, proposed law retains present law.
- (2) On a second conviction, the offender shall be fined not more than \$500, imprisoned with or without hard labor for not more than two years, or both.
- (3) On a third conviction, the offender shall be fined not more than \$2,000, imprisoned with or without hard labor for not more than five years, or both.
- (4) On a fourth or subsequent conviction, the offender shall be fined not more than \$2,000, imprisoned with or without hard labor for not more than eight years, or both.

Proposed law retains present law penalties regarding synthetic cannabinoids.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove proposed law habitual offender changes.