

2021 Regular Session

HOUSE BILL NO. 652

BY REPRESENTATIVES GLOVER, WILFORD CARTER, COX, GREEN, HUGHES,
JONES, LANDRY, MARCELLE, NELSON, PIERRE, AND SELDERS

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

CONTROLLED SUBSTANCES: Provides relative to penalties for possession of marijuana

1 AN ACT

2 To amend and reenact R.S. 40:966(C)(2)(a), (d), (e)(i) and (f)(i), relative to marijuana; to
3 provide relative to penalties for possession of marijuana; to amend criminal penalties
4 for a first or subsequent conviction of possession of marijuana; to provide relative
5 to penalties for the possession of certain amounts; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:966(C)(2)(a), (d), (e)(i) and (f)(i) are hereby amended and
8 reenacted to read as follows:

9 §966. Penalty for distribution or possession with intent to distribute narcotic drugs
10 listed in Schedule I; possession of marijuana, synthetic cannabinoids, and
11 heroin

12 * * *

13 C. Possession. It is unlawful for any person knowingly or intentionally to
14 possess a controlled dangerous substance classified in Schedule I unless such
15 substance was obtained directly, or pursuant to a valid prescription or order, from a
16 practitioner or as provided in R.S. 40:978, while acting in the course of his
17 professional practice, or except as otherwise authorized by this Part. Any person
18 who violates this Subsection with respect to:

19 * * *

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 652 Reengrossed

2021 Regular Session

Glover

Abstract: Reduces the criminal penalties for a first conviction of marijuana when the offender possesses 14 grams or less.

Present law provides for the following criminal penalties with regard to a first conviction of possession of marijuana.

- (1) Offender possesses 14 grams or less - a fine of up to \$300, imprisonment for not more than 15 days, or both.
- (2) Offender possesses more than 14 grams - a fine of up to \$500, imprisonment for not more than six months, or both.

Proposed law provides that the penalty for possession of 14 grams or less of marijuana for first or subsequent convictions is a fine of up to \$100.

Proposed law provides that increased present law penalties for second and subsequent convictions apply to possession of more than 14 grams.

Proposed law further provides that if an offender upon whom a fine has been imposed alleges indigency, or otherwise fails to pay the imposed fine, the court shall determine whether the defendant has willfully refused to pay or has made bona fide efforts to legally acquire resources to pay. If an offender has not willfully refused to pay and has made bona fide efforts to attempt to pay the fine imposed, the court shall use its discretion to alternatives, including installment payments or community service.

Proposed law provides for enforcement of proposed law by use of summons.

(Amends R.S. 40:966(C)(2)(a), (d), (e)(i) and (f)(i))

Summary of Amendments Adopted by House

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

1. Restore present law penalties for first convictions of possession of marijuana of 14 grams or less.
2. Provide that present law penalties of a fine of not more than \$300 or imprisonment in the parish jail for not more than 15 days, or both for the possession of 14 grams or less apply to second and subsequent convictions.

The House Floor Amendments to the engrossed bill:

1. Reduce the fine from \$300 to \$100 for first and subsequent convictions of possession of marijuana of 14 grams or less.

2. Remove jail time for first and subsequent convictions of possession of marijuana for 14 grams or less.
3. Provide that additional penalties for second or subsequent convictions apply only to convictions of possession of marijuana of more than 14 grams.