
DIGEST

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HB 391 Reengrossed

2024 Regular Session

Boyd

Abstract: Provides that persons convicted of certain offenses of possession of marijuana shall be eligible for pardon by the governor without the requirement of completion of sentence and without recommendation to the Board of Pardons.

Proposed law provides that a person convicted of possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, pursuant to present law (R.S. 40:966(C)(2)(a) or (b)) shall be eligible for a pardon by the governor without the necessity of completion of sentence and without a recommendation of the Board of Pardons.

Proposed law provides that no pardon shall be issued unless the person has paid all of the court costs which were imposed in connection with the conviction of the crime for which the pardon is to be issued.

Proposed law provides that the division of probation and parole of the Dept. of Public Safety and Corrections, after confirming that the individual was convicted of a first offense of possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, pursuant to present law (R.S. 40:966(C)(2)(a) or (b)) and received a pardon for that conviction, shall issue a certificate recognizing and proclaiming that the petitioner is fully pardoned for the offense and that he has all rights of citizenship and franchise, and the division shall transmit a copy of the certificate to the individual and to the clerk of court in and for the parish where the conviction occurred.

Proposed law further provides that this copy shall be filed in the record of the proceedings in which the conviction was obtained.

Proposed law provides that once an automatic pardon is granted under the provisions of proposed law, the individual who received such pardon shall not be entitled to receive another automatic pardon pursuant to proposed law.

Proposed law provides that any person who receives a pardon under the provisions of present law (Const. Art. IV, §5(E)(1)) and proposed law may be charged and punished as a second or multiple offender as provided in present law (R.S. 15:529.1).

(Adds R.S. 15:572.2)