HLS 14RS-852 ORIGINAL

Regular Session, 2014

HOUSE BILL NO. 130

BY REPRESENTATIVE HONORE

CONTROLLED SUBSTANCES: Removes convictions for offenses involving marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids from the habitual offender law

1	AN ACT
2	To enact R.S. 15:529.1(A)(5), relative to the habitual offender law; to prohibit a conviction
3	for a violation of the Uniform Controlled Dangerous Substances Law involving
4	marijuana or synthetic cannabinoids from being eligible for increased penalties
5	pursuant to the habitual offender law; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 15:529.1(A)(5) is hereby enacted to read as follows:
8	§529.1. Sentences for second and subsequent offenses; certificate of warden or clerk
9	of court in the state of Louisiana as evidence
10	A. Any person who, after having been convicted within this state of a felony,
11	or who, after having been convicted under the laws of any other state or of the
12	United States, or any foreign government of a crime which, if committed in this state
13	would be a felony, thereafter commits any subsequent felony within this state, upon
14	conviction of said felony, shall be punished as follows:
15	* * *
16	(5) Notwithstanding any other provisions of law to the contrary, a conviction
17	for a violation of the Uniform Controlled Dangerous Substances Law involving
18	marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic

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1 cannabinoids as provided for in R.S. 40:966(B)(3), (E), or (F) shall not be counted

as a second, third, fourth, or subsequent offense for the purposes of this Section.

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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)]

Honore HB No. 130

Abstract: Removes convictions involving marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids from being counted as prior offenses for the purposes of the habitual offender law.

<u>Present law</u> provides that habitual offenders may be subject to increased penalties for second, third, fourth, and subsequent felony offenses.

<u>Present law</u> provides that violations of the Uniform Controlled Dangerous Substances Law which are punishable by 10 years of imprisonment or more are eligible for consideration as prior offenses for the purposes of the habitual offender law.

<u>Proposed law</u> changes <u>present law</u> and removes convictions involving marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids from being counted as prior offenses for the purposes of the habitual offender law.

(Adds R.S. 15:529.1(A)(5))