

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 149

2015 Regular Session

Badon

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

### Synopsis of Senate Amendments

1. Deletes language of the bill as it left the House and re-writes the bill to provide for the following:
  - (a) Add separate penalties for possession of 14 grams or less of marijuana and related substances and more than 14 grams of marijuana and related substances.
  - (b) Add separate penalties for possession of 2.5 pounds of marijuana, synthetic cannabinoids, and related substances but less than 60 pounds.
  - (c) Add a one-time two-year cleansing period for a first conviction under proposed law where a previous conviction cannot be used as a predicate offense.
2. Amends penalties for 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and subsequent offenses involving possession of marijuana and related substances.
3. Technical bureau amendments.

### Digest of Bill as Finally Passed by Senate

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

Proposed law retains all present law penalties regarding synthetic cannabinoids.

Proposed law provides that on a first conviction for violation of present law with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, for the possession of 14 grams or less, the offender is to be fined up to \$300, imprisoned in parish jail for not more than 15 days, or both.

Proposed law provides that on a first conviction for violation of present law with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, for the possession of 14 grams or more, the offender is to be fined not more than \$500, imprisoned in the parish jail for not more than six months, or both.

Proposed law provides that any person who has been convicted of a violation of the provisions of proposed law and who has not been convicted of any other violation of a statute or ordinance prohibiting the possession of marijuana for a period of two years from the date of completion of sentence, probation, parole, or suspension of sentence shall not be eligible to have the conviction used as a predicate conviction for enhancement purposes. This cleansing period provision shall occur only once with respect to any person.

Proposed law provides that on a second conviction for violation of present law with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, the offender is to be fined not more than \$1,000, imprisoned in the parish jail for not more than six months, or both.

Proposed law provides that on a third conviction for violation of present law with regard to

marijuana, tetrahydrocannabinol, or chemical derivatives thereof, the offender is to be fined not more than \$2,500, imprisoned with or without hard labor for not more than two years, or both.

Proposed law provides that on a fourth or subsequent conviction for violation of present law with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, the offender is to be fined not more than \$5,000, imprisoned with or without hard labor for not more than eight years, or both.

Proposed law provides that if the court places the offender on probation, the probation must provide for a minimum condition that the offender participate in a court-approved substance abuse program and perform four eight-hour days of court-approved community service activities, with any costs associated with probation to be paid by the offender.

Proposed law provides that any person who knowingly or intentionally possesses two and one-half pounds or more, but less than 60 pounds of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids is to be sentenced to imprisonment at hard labor for not less than two years, nor more than 10 years, and fined not less than \$10,000 nor more than \$30,000.

Proposed law otherwise retains present law.

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

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