

2021 Regular Session

HOUSE BILL NO. 652

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

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

1 professional practice, or except as otherwise authorized by this Part. Any person
2 who violates this Subsection with respect to:

3 * * *

4 (2) A substance classified in Schedule I that is marijuana,
5 tetrahydrocannabinol, or chemical derivatives thereof, shall be punished as follows:

6 (a)(i) On a first conviction or any subsequent conviction, wherein the
7 offender possesses fourteen grams or less, the offender shall be fined not more than
8 ~~three one hundred dollars, imprisoned in the parish jail for not more than fifteen~~
9 ~~days, or both.~~

10 (ii) If an offender upon whom a fine has been imposed under this
11 Subparagraph alleges indigency, or otherwise fails to pay the imposed fine, the court
12 shall determine whether the defendant has willfully refused to pay or has made bona
13 fide efforts to legally acquire resources to pay. If an offender has not willfully
14 refused to pay and has made bona fide efforts to attempt to pay the fine imposed, the
15 court shall use its discretion to alternatives, including installment payments or
16 community service.

17 (iii) This Subparagraph shall be enforced by use of summons in lieu of
18 custodial arrest, in accordance with Code of Criminal Procedure Article 211.

19 * * *

20 (d) On a second conviction, wherein the offender possesses more than
21 fourteen grams, the offender shall be fined not more than one thousand dollars,
22 imprisoned in the parish jail for not more than six months, or both.

23 (e)(i) On a third conviction, wherein the offender possesses more than
24 fourteen grams, the offender shall be sentenced to imprisonment, with or without
25 hard labor, for not more than two years, shall be fined not more than two thousand
26 five hundred dollars.

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