
HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 103 by Representative Badon

1 AMENDMENT NO. 1

2 On page 1, at the end of line 7, delete "or"

3 AMENDMENT NO. 2

4 On page 1, line 8, delete "synthetic cannabinoids"

5 AMENDMENT NO. 3

6 On page 1, delete lines 15 through 18 in their entirety

7 AMENDMENT NO. 4

8 On page 2, delete lines 1 through 28 in their entirety

9 AMENDMENT NO. 5

10 On page 3, delete lines 1 through 9 in their entirety and insert the following:

11 ~~"E.(1) Possession of marijuana, or synthetic cannabinoids. (1) Except as~~
 12 ~~provided in Subsections E and Subsection F or G of this Section, on a first conviction~~
 13 ~~for violation of Subsection C of this Section with regard to marijuana,~~
 14 ~~tetrahydrocannabinol, or chemical derivatives thereof, or synthetic cannabinoids, the~~
 15 ~~offender shall be fined not more than five hundred dollars, imprisoned in the parish~~
 16 ~~jaíl for not more than six months, or both.~~

17 ~~(2)(a) Except as provided in Subsection F or G of this Section, on a second~~
 18 ~~conviction for violation of Subsection C of this Section with regard to marijuana,~~
 19 ~~tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids, the~~
 20 ~~offender shall be fined not less than two hundred fifty dollars, nor more than two~~
 21 ~~thousand five hundred dollars, imprisoned with or without hard labor for not more~~
 22 ~~than five years one year, or both.~~

23 ~~(b) If the court places the offender on probation, the probation shall provide~~
 24 ~~for a minimum condition that he participate in a court-approved substance abuse~~
 25 ~~program and perform four eight-hour days of court-approved community service~~
 26 ~~activities. Any costs associated with probation shall be paid by the offender.~~

27 ~~(3)(b) Except as provided in Subsection F or G of this Section, on a third or~~
 28 ~~subsequent conviction for violation of Subsection C of this Section with regard to~~
 29 ~~marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic~~
 30 ~~cannabinoids, the offender shall be fined not more than two thousand dollars,~~
 31 ~~sentenced to imprisonment imprisoned with or without hard labor for not more than~~
 32 ~~twenty two years, and may, in addition, be sentenced to pay a fine of not more than~~
 33 ~~five thousand dollars or both.~~

34 ~~(c) Except as provided in Subsection F or G of this Section, on a fourth or~~
 35 ~~subsequent conviction for violation of Subsection C of this Section with regard to~~
 36 ~~marijuana, tetrahydrocannabinol or chemical derivatives thereof, the offender shall~~
 37 ~~be fined not more than two thousand dollars, imprisoned with or without hard labor~~
 38 ~~for not more than five years, or both.~~

39 ~~(4)(d) A conviction for the violation of any other statute or ordinance with~~
 40 ~~the same elements as R.S. 40:966(C) Subsection C of this Section prohibiting the~~
 41 ~~possession of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or~~
 42 ~~synthetic cannabinoids shall be considered as a prior conviction for the purposes of~~

1 this Subsection relating to penalties for second, third, fourth, or subsequent
2 offenders.

3 ~~(5)(e)~~ A conviction for the violation of any other statute or ordinance with
4 the same elements as ~~R.S. 40:966(B)(3)~~ Paragraph (B)(3) of this Section prohibiting
5 the distributing or dispensing or possession with intent to distribute or dispense
6 marijuana, ~~of marijuana,~~[†] tetrahydrocannabinol or chemical derivatives thereof, ~~or~~
7 ~~synthetic cannabinoids~~ shall be considered as a prior conviction for the purposes of
8 this Subsection relating to penalties for second, third, fourth, or subsequent
9 offenders.

10 (2) Possession of synthetic cannabinoids. (1) Except as provided in
11 Subsections F and G of this Section, on a first conviction for violation of Subsection
12 C of this Section with regard to synthetic cannabinoids, the offender shall be fined
13 not more than five hundred dollars, imprisoned in the parish jail for not more than
14 six months, or both.

15 (a) Except as provided in Subsection F or G of this Section, on a second
16 conviction for violation of Subsection C of this Section with regard to synthetic
17 cannabinoids, the offender shall be fined not less than two hundred fifty dollars nor
18 more than two thousand dollars, imprisoned with or without hard labor for not more
19 than five years, or both.

20 (b) Except as provided in Subsection F or G of this Section, on a third or
21 subsequent conviction for violation of Subsection C of this Section with regard to
22 synthetic cannabinoids, the offender shall be sentenced to imprisonment with or
23 without hard labor for not more than twenty years, and may, in addition, be
24 sentenced to pay a fine of not more than five thousand dollars.

25 (c) A conviction for the violation of any other statute or ordinance with the
26 same elements as R.S. 40:966(C) prohibiting the possession of synthetic
27 cannabinoids shall be considered as a prior conviction for the purposes of this
28 Subsection relating to penalties for second, third, or subsequent offenders.

29 (d) A conviction for the violation of any other statute or ordinance with the
30 same elements as R.S. 40:966(B)(3) prohibiting the distributing or dispensing or
31 possession with intent to distribute or dispense synthetic cannabinoids shall be
32 considered as a prior conviction for the purposes of this Subsection relating to
33 penalties for second, third, or subsequent offenders."

34 AMENDMENT NO. 6

35 On page 3, line 21, change "R.S. 40:966(E)," to "R.S. 40:966(E)(1)."

36 AMENDMENT NO. 7

37 On page 4, delete lines 9 through 26 in their entirety and insert the following:

38 "(5)(a) Notwithstanding any provision of law to the contrary, if the defendant
39 is incarcerated after having been convicted of possession of marijuana pursuant to
40 R.S. 40:966(E)(1) and has been sentenced pursuant to the provisions of R.S.
41 40:966(E)(1) or pursuant to the provisions of the Habitual Offender Law (R.S.
42 15:529.1), wherein at least one of the offenses which forms the basis for such
43 sentence is a conviction for possession of marijuana pursuant to R.S. 40:966(E)(1),
44 the defendant may file a motion to reconsider the sentence if he has served at least
45 one-half of the maximum term of imprisonment provided for in R.S. 40:966(E)(1),
46 had the offender been convicted for the offense on or after August 1, 2013.

47 (b) The motion to reconsider the sentence shall be in writing, shall set forth
48 the specific grounds on which the motion is based, and shall provide all evidence
49 necessary to support the claim. If the court determines that the defendant meets the
50 criteria provided for in Subparagraph (a) of this Paragraph, the court shall grant the
51 motion and shall amend the sentence of the defendant in accordance with the
52 provisions of R.S. 40:966(E)(1), with credit for time served by the offender for the
53 initial sentence imposed upon conviction.

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