
DIGEST

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Badon

HB No. 103

Abstract: Amends the criminal penalties for second and subsequent convictions of possession of marijuana and prohibits the application of the Habitual Offender Law when all underlying criminal convictions are for possession of marijuana.

Present law provides for the following penalties with regard to the crime of possession of marijuana or synthetic cannabinoids:

- (1) On a first conviction, the offender shall be fined not more than \$500, imprisoned in the parish jail for not more than six months, or both.
- (2) On a second conviction, the offender shall be fined not less than \$250 nor more than \$2,000, imprisoned with or without hard labor for not more than five years, or both. In addition, present law required that certain conditions be met if the offender is placed on probation, including substance abuse treatment and community service.
- (3) On a third or subsequent conviction, the offender shall be sentenced to imprisonment with or without hard labor for not more than 20 years, and may, in addition, be sentenced to pay a fine of not more than \$5,000.

Proposed law amends the penalties for possession of marijuana as follows:

- (1) On a first conviction, proposed law retains present law.
- (2) On a second conviction, the offender shall be fined not more than \$500, imprisoned with or without hard labor for not more than two years, or both.
- (3) On a third conviction, the offender shall be fined not more than \$2,000, imprisoned with or without hard labor for not more than five years, or both.
- (4) On a fourth or subsequent conviction, the offender shall be fined not more than \$2,000, imprisoned with or without hard labor for not more than eight years, or both.

Present law provides for increased penalties for habitual offenders, including offenders who have been convicted of possession of marijuana or synthetic cannabinoids.

Proposed law retains the provisions of present law regarding synthetic cannabinoids and

prohibits the Habitual Offender Law from applying when all underlying criminal convictions are for possession of marijuana.

(Amends R.S. 40:966(E); Adds R.S. 15:529.1(A)(5))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Retained present law penalties for possession of synthetic cannabinoids and reduced the penalties for possession of marijuana.
2. Prohibited the Habitual Offender Law from applying when all underlying criminal convictions are for possession of marijuana.

House Floor Amendments to the engrossed bill.

1. Deleted provisions regarding a motion to reconsider sentence.
2. Changed maximum penalty provisions for 2nd, 3rd, 4th and subsequent convictions for possession of marijuana.
3. Made legislative bureau amendments.
4. Reinstated present law provisions regarding court-approved substance abuse programs and court-approved community service for a 2nd conviction.