
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

SB 241 Original

2015 Regular Session

Morrell

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

Present law provides that on a first conviction for possession of marijuana or synthetic cannabinoids, the offender is to be fined up to \$500, imprisoned for up to six months, or both.

Present law provides that on a second conviction for possession of marijuana or synthetic cannabinoids, the offender is to be fined between \$250 and \$2,000, imprisoned with or without hard labor for up to five years, or both. Present law further provides that if the court places the offender on probation, the probation must require the offender to participate in a court-approved substance abuse program and perform four eight-hour days of court-approved community service, with any costs associated with probation to be paid by the offender.

Present law provides that on a third or subsequent conviction for possession of marijuana or synthetic cannabinoids, the offender is to be imprisoned with or without hard labor for up to 20 years, and also may be fined up to \$5,000.

Present law provides that a conviction for the violation of any other statute or ordinance with the same elements as present law relative to simple possession of marijuana or synthetic cannabinoids is considered to be a prior conviction for the purposes of present law penalties for second, third, or subsequent offenders.

Present law provides that a conviction for the violation of any other statute or ordinance with the same elements as present law prohibiting the distributing or dispensing or possession with intent to distribute or dispense marijuana or synthetic cannabinoids is considered to be a prior conviction for the purposes of present law penalties for second, third, or subsequent offenders.

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 28 grams or less, the offender is to be fined not less than \$50 nor more than \$100.

Proposed law provides that on a second conviction for violation of present law with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, for the possession of 28 grams or less, the offender is to be fined not less than \$100 nor more than \$500, or imprisoned in the parish jail for not more than 30 days, or both.

Proposed law provides that on a third or subsequent conviction for violation of present law with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, for the possession of 28

grams or less, the offender is to be fined not less than \$500 nor more than \$1,000, or imprisoned in the parish jail for not more than 90 days, or both.

Proposed law provides that a conviction pursuant to proposed law for possession of 28 grams or less of marijuana, tetrahydrocannabinol, or chemical derivatives thereof cannot be considered as a prior conviction for the purpose of any present law relative to penalties for second, third, or subsequent offenses, for the purpose of any present law relating to habitual offenders, or for providing enhanced penalties.

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

(Amends R.S. 40:966(E) and 982; adds R.S. 40:966(I))