

SENATE COMMITTEE AMENDMENTS

2015 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Engrossed House Bill No. 149 by Representative Badon

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S. 40:966(E)" insert "and (F)" and after "relative to" delete the
3 remainder of the line and delete line 3 and insert the following:

4 "the Uniform Controlled Dangerous Substances Law; to provide relative to penalties
5 for possession of marijuana when the amount possessed is fourteen grams or less; to
6 provide relative to penalties for possession of marijuana when the amount possessed
7 is fourteen grams or more, but less than two and one-half pounds; to provide relative
8 to a cleansing period for certain offenses; to provide relative to the possession of
9 more than two and one-half pounds and less than sixty pounds of marijuana; and to
10 provide for related matters."

11 AMENDMENT NO. 2

12 On page 1, line 5, after "R.S. 40:966(E)" delete "is" and insert "and (F) are"

13 AMENDMENT NO. 3

14 On page 1, delete lines 6 through 19 and delete pages 2 and 3 and insert the following:

15 "§966. Penalty for distribution or possession with intent to distribute narcotic drugs
16 listed in Schedule I; possession of marijuana, possession of synthetic
17 cannabinoids, possession of heroin
18 * * *

19 E.(1) Possession of marijuana, or synthetic cannabinoids. (1)(a) Except as
20 provided in Subsections E and Subsection F of this Section, on a first conviction for
21 violation of Subsection C of this Section with regard to marijuana,
22 tetrahydrocannabinol, or chemical derivatives thereof, or synthetic cannabinoids the
23 offender shall be fined not more than five hundred dollars, imprisoned in the parish
24 jail for not more than six months, or both, punished as follows:

25 (i) On a first conviction, wherein the offender possesses fourteen grams or
26 less, the offender shall be fined not more than three hundred dollars, imprisoned in
27 the parish jail for not more than fifteen days, or both.

28 (ii) On a first conviction, wherein the offender possesses more than fourteen
29 grams, the offender shall be fined not more than five hundred dollars, imprisoned in
30 the parish jail for not more than six months, or both.

31 (iii) Any person who has been convicted of a violation of the provisions of
32 Item (i) or (ii) of this Subparagraph and who has not been convicted of any other
33 violation of a statute or ordinance prohibiting the possession of marijuana for a
34 period of two years from the date of completion of sentence, probation, parole, or
35 suspension of sentence shall not be eligible to have the conviction used as a predicate
36 conviction for enhancement purposes. The provisions of this Subparagraph shall
37 occur only once with respect to any person.

38 (2)(a) (b) Except as provided in Subsection F or G of this Section, on a
39 second conviction for violation of Subsection C of this Section with regard to
40 marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic
41 cannabinoids the offender shall be fined not less than two hundred fifty dollars, nor
42 more than two thousand dollars, imprisoned with or without hard labor for not more
43 than five years, or both more than one thousand dollars, imprisoned in the parish jail
44 for not more than six months, or both.

45 (b) If the court places the offender on probation, the probation shall provide
46 for a minimum condition that he participate in a court-approved substance abuse

1 ~~program and perform four eight-hour days of court-approved community service~~
 2 ~~activities. Any costs associated with probation shall be paid by the offender.~~

3 ~~(3)(c)(i) Except as provided in Subsection F or G of this Section, on a third~~
 4 ~~or subsequent conviction for violation of Subsection C of this Section with regard~~
 5 ~~to marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic~~
 6 ~~cannabinoids the offender shall be sentenced to imprisonment with or without hard~~
 7 ~~labor for not more than twenty years, and may, in addition, be sentenced to pay a fine~~
 8 ~~of not more than five thousand dollars two years, shall be fined not more than two~~
 9 ~~thousand five hundred dollars, or both.~~

10 (ii) If the court places the offender on probation, the probation shall provide
 11 for a minimum condition that he participate in a court-approved substance abuse
 12 program and perform four eight-hour days of court-approved community service
 13 activities. Any costs associated with probation shall be paid by the offender.

14 (d)(i) Except as provided in Subsection F of this Section, on a fourth or
 15 subsequent conviction for violation of Subsection C of this Section with regard to
 16 marijuana, tetrahydrocannabinol or chemical derivatives thereof, the offender shall
 17 be sentenced to imprisonment with or without hard labor for not more than eight
 18 years, shall be fined not more than five thousand dollars, or both.

19 (ii) If the court places the offender on probation, the probation shall provide
 20 for a minimum condition that he participate in a court-approved substance abuse
 21 program and perform four eight-hour days of court-approved community service
 22 activities. Any costs associated with probation shall be paid by the offender.

23 ~~(4)(e) A~~ Except as provided in Item (a)(iii) of this Paragraph, a conviction
 24 for the violation of any other statute or ordinance with the same elements as R.S.
 25 ~~40:966(C)~~ Subsection (C) of this Section prohibiting the possession of marijuana,
 26 tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall
 27 be considered as a prior conviction for the purposes of this Subsection relating to
 28 penalties for second, third, or subsequent offenders.

29 ~~(5)(f) A~~ Except as provided in Item (a)(iii) of this Paragraph, a conviction
 30 for the violation of any other statute or ordinance with the same elements as R.S.
 31 ~~40:966(B)(3)~~ Paragraph (B)(3) of this Section prohibiting the distributing or
 32 dispensing or possession with intent to distribute or dispense marijuana, of
 33 marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic
 34 cannabinoids shall be considered as a prior conviction for the purposes of this
 35 Subsection relating to penalties for second, third, or subsequent offenders.

36 (2) Possession of synthetic cannabinoids. (a) Except as provided in
 37 Subsections F and G of this Section, on a first conviction for violation of Subsection
 38 C of this Section with regard to synthetic cannabinoids, the offender shall be fined
 39 not more than five hundred dollars, imprisoned for not more than six months, or
 40 both.

41 (b) Except as provided in Subsections F and G of this Section, on a second
 42 conviction for violation of Subsection C of this Section with regard to synthetic
 43 cannabinoids, the offender shall be fined not less than two hundred fifty dollars nor
 44 more than two thousand dollars, imprisoned with or without hard labor for not more
 45 than five years, or both.

46 (c) Except as provided in Subsections F and G of this Section, on a third or
 47 subsequent conviction for violation of Subsection C of this Section with regard to
 48 synthetic cannabinoids, the offender shall be sentenced to imprisonment with or
 49 without hard labor for not more than twenty years, and may, in addition, be fined not
 50 more than five thousand dollars.

51 (d) A conviction for the violation of any other provision of law or ordinance
 52 with the same elements as Subsection C of this Section prohibiting the possession
 53 of synthetic cannabinoids shall be considered a prior conviction for the purposes of
 54 this Paragraph relating to penalties for second, third, or subsequent offenses.

55 (e) A conviction for the violation of any other provision of law or ordinance
 56 with the same elements as Paragraph (B)(3) of this Section prohibiting the
 57 distributing or dispensing or possession with intent to distribute or dispense synthetic
 58 cannabinoids shall be considered a prior conviction for the purposes of this
 59 Paragraph relating to penalties for second, third, or subsequent offenses.

60 (f) If the court places the offender on probation, the probation shall provide
 61 for a minimum condition that he participate in a court-approved substance abuse

1 program and perform four eight-hour days of court-approved community service
2 activities. Any costs associated with probation shall be paid by the offender.

3 F. Except as otherwise authorized in this Part:

4 (1) Any person who knowingly or intentionally possesses two and one-half
5 pounds or more, but less than sixty pounds of marijuana, tetrahydrocannabinol or
6 chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve
7 a term of imprisonment with or without hard labor of not less than two years, nor
8 more than ten years, and to pay a fine of not less than ten thousand dollars nor more
9 than thirty thousand dollars.

10 (2) Any person who knowingly or intentionally possesses sixty pounds or
11 more, but less than two thousand pounds of marijuana, tetrahydrocannabinol or
12 chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve
13 a term of imprisonment at hard labor of not less than five years, nor more than thirty
14 years, and to pay a fine of not less than fifty thousand dollars nor more than one
15 hundred thousand dollars.

16 (2)(3) Any person who knowingly or intentionally possesses two thousand
17 pounds or more, but less than ten thousand pounds of marijuana,
18 tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall
19 be sentenced to serve a term of imprisonment at hard labor of not less than ten years
20 nor more than forty years, and to pay a fine of not less than one hundred thousand
21 dollars nor more than four hundred thousand dollars.

22 (3)(4) Any person who knowingly or intentionally possesses ten thousand
23 pounds or more of marijuana, tetrahydrocannabinol or chemical derivatives thereof,
24 or synthetic cannabinoids shall be sentenced to serve a term of imprisonment at hard
25 labor of not less than twenty-five years, nor more than forty years and to pay a fine
26 of not less than four hundred thousand dollars nor more than one million dollars.

27 * * *

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature
30 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
31 vetoed by the governor and subsequently approved by the legislature, this Act shall become
32 effective on the day following such approval."