HLS 16RS-88 ENGROSSED

2016 Regular Session

HOUSE BILL NO. 267

1

BY REPRESENTATIVE GREGORY MILLER

CONTROLLED SUBSTANCES: Decreases criminal penalties for certain offenses involving drug paraphernalia

AN ACT

2	To amend and reenact R.S. 40:1025(A), (B), and (C), relative to penalties for transactions
3	involving drug paraphernalia; to amend the penalty provisions for such offenses; and
4	to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 40:1025(A), (B), and (C) are hereby amended and reenacted to read
7	as follows:
8	§1025. Penalties
9	A.(1) The first violation of or failure to comply with any provision of this
10	Part shall subject the offender to a fine not in excess of five three hundred dollars,
11	or imprisonment of not more than six months fifteen days, or both.
12	(2) Any person who has been convicted of a violation of the provisions of
13	this Subsection and who has not been convicted of any violation of the controlled
14	dangerous substances law for a period of two years from the date of completion of
15	sentence, probation, parole, or suspension of sentence shall not be eligible to have
16	the conviction used as a predicate conviction for enhancement purposes. The
17	provisions of this Paragraph shall occur only once with respect to any person.
18	B. On <u>a</u> second conviction, the offender shall be fined not more than one
19	thousand dollars, or imprisoned for not more than one year six months, or both.

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1 C. On <u>a</u> third <u>or subsequent</u> conviction, the offender shall be fined not more
2 than <u>five thousand two thousand five hundred</u> dollars, or imprisoned, with or without
3 hard labor, for not more than <u>five two</u> years, <u>or both</u>.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Gregory Miller

Abstract: Decreases penalties for crimes involving the possession of drug paraphernalia to make those penalties consistent with penalties for possession of marijuana.

<u>Present law</u> provides for the penalties for violations of law regarding the possession, sale, and use of drug paraphernalia.

<u>Present law</u> (which originated as Act No. 295 of the 2015 Regular Session) reduced penalties for the possession of marijuana.

<u>Proposed law</u> reduces the penalties for drug paraphernalia offenses to mirror those of possession of marijuana.

<u>Proposed law</u> provides penalties for a first conviction of a fine of not more than \$300, imprisonment for not more than 15 days, or both. For a second conviction - a fine of not more than \$1,000, imprisonment for not more than six months, or both. For a third or subsequent conviction - a fine of not more than \$2,500, imprisonment for not more than two years, or both.

(Amends R.S. 40:1025(A), (B), and (C))