HLS 21RS-963 ENGROSSED

2021 Regular Session

HOUSE BILL NO. 652

1

BY REPRESENTATIVE GLOVER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CONTROLLED SUBSTANCES: Provides relative to penalties for possession of marijuana

AN ACT

2	To amend and reenact R.S. 40:966(C)(2)(a), relative to marijuana; to provide relative to
3	penalties for possession of marijuana; to amend criminal penalties for a first or
4	subsequent conviction of possession of marijuana; to provide relative to penalties for
5	the possession of certain amounts; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 40:966(C)(2)(a) is hereby amended and reenacted to read as follows:
8	§966. Penalty for distribution or possession with intent to distribute narcotic drugs
9	listed in Schedule I; possession of marijuana, synthetic cannabinoids, and
10	heroin
11	* * *
12	C. Possession. It is unlawful for any person knowingly or intentionally to
13	possess a controlled dangerous substance classified in Schedule I unless such
14	substance was obtained directly, or pursuant to a valid prescription or order, from a
15	practitioner or as provided in R.S. 40:978, while acting in the course of his
16	professional practice, or except as otherwise authorized by this Part. Any person
17	who violates this Subsection with respect to:
18	* * *
19	(2) A substance classified in Schedule I that is marijuana,
20	tetrahydrocannabinol, or chemical derivatives thereof, shall be punished as follows:

Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 (a)(i) On a first conviction or any subsequent conviction, wherein the 2 offender possesses fourteen grams or less, the offender shall be fined not more than 3 three hundred dollars, imprisoned in the parish jail for not more than fifteen days, or 4 both. 5 (ii) If an offender upon whom a fine has been imposed under this 6 Subparagraph alleges indigency, or otherwise fails to pay the imposed fine, the court 7 shall determine whether the defendant has willfully refused to pay or has made bona 8 fide efforts to legally acquire resources to pay. If an offender has not willfully 9 refused to pay and has made bona fide efforts to attempt to pay the fine imposed, the 10 court shall use its discretion to alternatives, including installment payments or 11 community service. 12 (iii) This Subparagraph shall be enforced by use of summons in lieu of 13 custodial arrest, in accordance with Code of Criminal Procedure Article 211. 14

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)]

HB 652 Engrossed

2021 Regular Session

Glover

Abstract: Reduces the criminal penalties for a first conviction of marijuana when the offender possesses 14 grams or less.

<u>Present law</u> provides for the following criminal penalties with regard to a first conviction of possession of marijuana.

- (1) Offender possesses 14 grams or less a fine of up to \$300, imprisonment for not more than 15 days, or both.
- (2) Offender possesses more than 14 grams a fine of up to \$500, imprisonment for not more than six months, or both.

<u>Proposed law</u> retains <u>present law</u> and extends the <u>present law</u> penalties for second or subsequent convictions for possession of 14 grams or less.

<u>Proposed law</u> further provides that if an offender upon whom a fine has been imposed alleges indigency, or otherwise fails to pay the imposed fine, the court shall determine whether the defendant has willfully refused to pay or has made bona fide efforts to legally acquire resources to pay. If an offender has not willfully refused to pay and has made bona fide efforts to attempt to pay the fine imposed, the court shall use its discretion to alternatives, including installment payments or community service.

Page 2 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

<u>Proposed law</u> provides for enforcement of <u>proposed law</u> by use of summons.

(Amends R.S. 40:966(C)(2)(a))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Administration of Criminal Justice</u> to the <u>original bill</u>:

- 1. Restore <u>present law</u> penalties for first convictions of possession of marijuana of 14 grams or less.
- 2. Provide that <u>present law</u> penalties of a fine of not more than \$300 or imprisonment in the parish jail for not more than 15 days, or both for the possession of 14 grams or less apply to second and subsequent convictions.