
HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 103 by Representative Badon

1 AMENDMENT NO. 1

2 On page 1, line 4, after "marijuana" and before the semicolon ";" delete "or synthetic
3 cannabinoids"

4 AMENDMENT NO. 2

5 On page 1, at the end of line 7, delete "or"

6 AMENDMENT NO. 3

7 On page 1, line 8, delete "synthetic cannabinoids"

8 AMENDMENT NO. 4

9 On page 1, delete lines 15 through 18 in their entirety

10 AMENDMENT NO. 5

11 On page 2, delete lines 1 through 28 in their entirety

12 AMENDMENT NO. 6

13 On page 3, delete lines 1 through 9 in their entirety and insert the following:

14 ~~"E.(1) Possession of marijuana, or synthetic cannabinoids. (1) Except as~~
15 ~~provided in Subsections E and Subsection F or G of this Section, on a first conviction~~
16 ~~for violation of Subsection C of this Section with regard to marijuana,~~
17 ~~tetrahydrocannabinol, or chemical derivatives thereof, or synthetic cannabinoids,~~ the
18 ~~offender shall be fined not more than five hundred dollars, imprisoned in the parish~~
19 ~~jail for not more than six months, or both.~~

20 ~~(2)(a) Except as provided in Subsection F or G of this Section, on a second~~
21 ~~conviction for 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 less than two hundred fifty dollars, nor more than two~~
24 ~~thousand five hundred dollars, imprisoned with or without hard labor for not more~~
25 ~~than five years one year, or both.~~

26 ~~(b) If the court places the offender on probation, the probation shall provide~~
27 ~~for a minimum condition that he participate in a court-approved substance abuse~~
28 ~~program and perform four eight-hour days of court-approved community service~~
29 ~~activities. Any costs associated with probation shall be paid by the offender.~~

30 ~~(3)(b) Except as provided in Subsection F or G of this Section, on a third or~~
31 ~~subsequent conviction for violation of Subsection C of this Section with regard to~~
32 ~~marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic~~
33 ~~cannabinoids the offender shall be fined not more than two thousand dollars,~~
34 ~~sentenced to imprisonment imprisoned with or without hard labor for not more than~~
35 ~~twenty two years, and may, in addition, be sentenced to pay a fine of not more than~~
36 ~~five thousand dollars or both.~~

37 ~~(c) Except as provided in Subsection F or G of this Section, on a fourth or~~
38 ~~subsequent conviction for violation of Subsection C of this Section with regard to~~
39 ~~marijuana, tetrahydrocannabinol or chemical derivatives thereof, the offender shall~~

1 be fined not more than two thousand dollars, imprisoned with or without hard labor
2 for not more than five years, or both.

3 ~~(4)(d)~~ A conviction for the violation of any other statute or ordinance with
4 the same elements as ~~R.S. 40:966(C)~~ Subsection C of this Section prohibiting the
5 possession of marijuana, tetrahydrocannabinol or chemical derivatives thereof, ~~or~~
6 ~~synthetic cannabinoids~~ shall be considered as a prior conviction for the purposes of
7 this Subsection relating to penalties for second, third, fourth, or subsequent
8 offenders.

9 ~~(5)(e)~~ A conviction for the violation of any other statute or ordinance with
10 the same elements as ~~R.S. 40:966(B)(3)~~ Paragraph (B)(3) of this Section prohibiting
11 the distributing or dispensing or possession with intent to distribute or dispense
12 marijuana, ~~of marijuana,~~[†] tetrahydrocannabinol or chemical derivatives thereof, ~~or~~
13 ~~synthetic cannabinoids~~ shall be considered as a prior conviction for the purposes of
14 this Subsection relating to penalties for second, third, fourth, or subsequent
15 offenders.

16 (2) Possession of synthetic cannabinoids. (1) Except as provided in
17 Subsections F and G of this Section, on a first conviction for violation of Subsection
18 C of this Section with regard to synthetic cannabinoids, the offender shall be fined
19 not more than five hundred dollars, imprisoned in the parish jail for not more than
20 six months, or both.

21 (a) Except as provided in Subsection F or G of this Section, on a second
22 conviction for violation of Subsection C of this Section with regard to synthetic
23 cannabinoids, the offender shall be fined not less than two hundred fifty dollars nor
24 more than two thousand dollars, imprisoned with or without hard labor for not more
25 than five years, or both.

26 (b) Except as provided in Subsection F or G of this Section, on a third or
27 subsequent conviction for violation of Subsection C of this Section with regard to
28 synthetic cannabinoids, the offender shall be sentenced to imprisonment with or
29 without hard labor for not more than twenty years, and may, in addition, be
30 sentenced to pay a fine of not more than five thousand dollars.

31 (c) A conviction for the violation of any other statute or ordinance with the
32 same elements as Subsection C of this Section prohibiting the possession of
33 synthetic cannabinoids shall be considered as a prior conviction for the purposes of
34 this Subsection relating to penalties for second, third, or subsequent offenders.

35 (d) A conviction for the violation of any other statute or ordinance with the
36 same elements as Paragraph (B)(3) of this Section prohibiting the distributing or
37 dispensing or possession with intent to distribute or dispense synthetic cannabinoids
38 shall be considered as a prior conviction for the purposes of this Subsection relating
39 to penalties for second, third, or subsequent offenders."

40 AMENDMENT NO. 7

41 On page 3, delete lines 20 through 22 in their entirety and insert the following:

42 "(5) If the current and all prior felony convictions are convictions of a
43 violation of R.S. 40:966(E)(1), the person shall not be subject or sentenced pursuant
44 to the provisions of this Section."

45 AMENDMENT NO. 8

46 On page 4, delete lines 9 through 26 in their entirety and insert the following:

47 "(5)(a) Notwithstanding any provision of law to the contrary, if the defendant
48 is incarcerated after having been convicted of possession of marijuana pursuant to
49 R.S. 40:966(E)(1) and has been sentenced pursuant to the provisions of R.S.
50 40:966(E)(1) or pursuant to the provisions of the Habitual Offender Law (R.S.
51 15:529.1), wherein at least one of the offenses which forms the basis for such
52 sentence is a conviction for possession of marijuana pursuant to R.S. 40:966(E)(1),
53 the defendant may file a motion to reconsider the sentence if he has served at least

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one-half of the maximum term of imprisonment provided for in R.S. 40:966(E)(1), had the offender been convicted for the offense on or after August 1, 2013.
(b) The motion to reconsider the sentence shall be in writing, shall set forth the specific grounds on which the motion is based, and shall provide all evidence necessary to support the claim. If the court determines that the defendant meets the criteria provided for in Subsubparagraph (a) of this Paragraph, the court shall grant the motion and shall amend the sentence of the defendant in accordance with the provisions of R.S. 40:966(E)(1), with credit for time served by the offender for the initial sentence imposed upon conviction.

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CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.