

**RÉSUMÉ DIGEST****ACT 246 (HB 267)****2016 Regular Session****Gregory Miller**

Act No. 295 of the 2015 R.S. amended criminal penalties for possession of marijuana as follows:

- (1) Reduced the penalties for possession of marijuana and created a new penalty category for possession of marijuana in an amount of 14 grams or less.
- (2) Provided that a first conviction for a violation of the provisions of the new law, as provided in the Act, could not be used as predicate conviction for enhancement purposes on a second violation of the law if the person had not been convicted of any other violation of a statute or ordinance prohibiting the possession of marijuana for a period of two years from the date of completion of sentence, probation, parole, or suspension of sentence for the first offense.

Existing law (R.S. 40:1021 et seq.) prohibits transactions in objects defined in existing law as "drug paraphernalia" and provides criminal penalties for violations of this law.

New law reduces the penalties for these offenses involving drug paraphernalia as follows to mirror the changes made in Act No. 295 of the 2015 R.S. relative to the possession of marijuana:

- (1) First conviction – a fine of not more than \$300, imprisonment for not more than 15 days, or both.
- (2) Second conviction – a fine of not more than \$1,000, imprisonment for not more than six months, or both.
- (3) Third or subsequent conviction – a fine of not more than \$2,500, imprisonment for not more than two years, or both.

New law also provides that a conviction for a violation of the provisions of existing law (R.S. 40:1021 et seq.) may not be used as a predicate conviction for enhancement purposes if the offender has not been convicted of any violation of the controlled dangerous substances law for a period of two years from the date of completion of sentence, probation, parole, or suspension of sentence for that conviction. This provision of new law shall only apply once with respect to any person.

Effective August 1, 2016.

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