
HOUSE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to
Original House Bill No. 509 by Representative Bagneris

1 AMENDMENT NO. 1

2 On page 1, line 4, after "(D)(1)" and before "and 989" insert a comma "," and insert
3 "978(A)(introductory paragraph),"

4 AMENDMENT NO. 2

5 On page 1, delete line 7 in its entirety and insert the following:

6 "Articles 977(A)(3) and (4) and 978(A)(3) and (4), relative to the legalization and
7 regulation of adult"

8 AMENDMENT NO. 3

9 On page 1, line 15, after "expungement;" and before "to provide" insert "to provide relative
10 to the burden of proof;"

11 AMENDMENT NO. 4

12 On page 15, delete lines 1 through 3 in their entirety and insert the following:

13 "Section 3. Code of Criminal Procedure Articles 977(A)(introductory
14 paragraph) and (D)(1) and 989 are hereby amended and reenacted and Code of
15 Criminal Procedure Articles 977(A)(3) and (4) and 978(A)(3) and (4) are hereby
16 enacted to read as follows:"

17 AMENDMENT NO. 5

18 On page 15, delete lines 9 through 16 in their entirety and insert the following:

19 "(3) The person has been convicted of unlawful possession of one ounce or
20 less of marijuana and whose past violation is not in violation of R.S. 40:1050.1 et
21 seq. The burden is on the mover to prove that the amount of marijuana possessed by
22 the person was one ounce or less.

23 "(4) The person has been convicted of using or possessing with intent to use
24 drug paraphernalia for use with marijuana pursuant to R.S. 40:1021 et seq., and
25 whose past violation is not in violation of R.S. 40:1050.1 et seq. The burden is on
26 the mover to prove that drug paraphernalia used or possessed by the person was for
27 use of marijuana that is not in violation of R.S. 40:1050.1 et seq."

28 AMENDMENT NO. 6

29 On page 15, between lines 23 and 24, insert the following:

30 "Art. 978. Motion to expunge record of arrest and conviction of a felony offense
31 A. Except as provided in Paragraph B of this Article, a person may file a
32 motion to expunge his record of arrest and conviction of a felony offense if ~~either~~
33 any of the following apply:

34 * * *

35 "(3) The person has been convicted of possession with intent to distribute one
36 ounce or less of marijuana and whose past violation is not in violation of R.S.

1 40:1050.1 et seq. The burden is on the mover to prove that the amount of marijuana
2 possessed by the person was one ounce or less.

3 (4) The person has been convicted of using or possessing with intent to use
4 drug paraphernalia for use with marijuana pursuant to R.S. 40:1021 et seq., and
5 whose past violation is not in violation of R.S. 40:1050.1 et seq. The burden is on
6 the mover to prove that drug paraphernalia used or possessed by the person was for
7 use of marijuana that is not in violation of R.S. 40:1050.1 et seq.

8 * * *

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