HLS 21RS-963 REENGROSSED

2021 Regular Session

1

HOUSE BILL NO. 652

BY REPRESENTATIVES GLOVER, WILFORD CARTER, COX, GREEN, HUGHES, JONES, LANDRY, MARCELLE, NELSON, PIERRE, AND SELDERS

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), (d), (e)(i) and (f)(i), relative to marijuana; to
3	provide relative to penalties for possession of marijuana; to amend criminal penalties
4	for a first or subsequent conviction of possession of marijuana; to provide relative
5	to penalties for 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), (d), (e)(i) and (f)(i) are hereby amended and
8	reenacted to read as follows:
9	§966. Penalty for distribution or possession with intent to distribute narcotic drugs
10	listed in Schedule I; possession of marijuana, synthetic cannabinoids, and
11	heroin
12	* * *
13	C. Possession. It is unlawful for any person knowingly or intentionally to
14	possess a controlled dangerous substance classified in Schedule I unless such
15	substance was obtained directly, or pursuant to a valid prescription or order, from a
16	practitioner or as provided in R.S. 40:978, while acting in the course of his
17	professional practice, or except as otherwise authorized by this Part. Any person
18	who violates this Subsection with respect to:
19	* * *

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

1	(2) A substance classified in Schedule I that is marijuana,
2	tetrahydrocannabinol, or chemical derivatives thereof, shall be punished as follows:
3	(a)(i) On a first conviction or any subsequent conviction, wherein the
4	offender possesses fourteen grams or less, the offender shall be fined not more than
5	three one hundred dollars, imprisoned in the parish jail for not more than fifteen
6	days, or both .
7	(ii) If an offender upon whom a fine has been imposed under this
8	Subparagraph alleges indigency, or otherwise fails to pay the imposed fine, the court
9	shall determine whether the defendant has willfully refused to pay or has made bona
10	fide efforts to legally acquire resources to pay. If an offender has not willfully
11	refused to pay and has made bona fide efforts to attempt to pay the fine imposed, the
12	court shall use its discretion to alternatives, including installment payments or
13	community service.
14	(iii) This Subparagraph shall be enforced by use of summons in lieu of
15	custodial arrest, in accordance with Code of Criminal Procedure Article 211.
16	* * *
17	(d) On a second conviction, wherein the offender possesses more than
18	fourteen grams, the offender shall be fined not more than one thousand dollars,
19	imprisoned in the parish jail for not more than six months, or both.
20	(e)(i) On a third conviction, wherein the offender possesses more than
21	fourteen grams, the offender shall be sentenced to imprisonment, with or without
22	hard labor, for not more than two years, shall be fined not more than two thousand
23	five hundred dollars.
24	* * *
25	(f)(i) On a fourth or subsequent conviction, wherein the offender possesses
26	more than fourteen grams, the offender shall be sentenced to imprisonment with or
27	without hard labor for not more than eight years, shall be fined not more than five
28	thousand dollars, or both.
29	* * *

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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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> provides that the penalty for possession of 14 grams or less of marijuana for first or subsequent convictions is a fine of up to \$100.

<u>Proposed law</u> provides that increased <u>present law</u> penalties for second and subsequent convictions apply to possession of more than 14 grams.

<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.

Proposed law provides for enforcement of proposed law by use of summons.

(Amends R.S. 40:966(C)(2)(a), (d), (e)(i) and (f)(i))

Summary of Amendments Adopted by House

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

- 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.

The House Floor Amendments to the engrossed bill:

1. Reduce the fine <u>from</u> \$300 to \$100 for first and subsequent convictions of possession of marijuana of 14 grams or less.

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2. Remove jail time for first and subsequent convictions of possession of marijuana for 14 grams or less.

3. Provide that additional penalties for second or subsequent convictions apply only to convictions of possession of marijuana of more than 14 grams.