AN ACT

To amend and reenact R.S. 40:966(C)(2)(a), (d), (e)(i) and (f)(i), relative to marijuana; to provide relative to penalties for possession of marijuana; to amend criminal penalties for a first or subsequent conviction of possession of marijuana; to provide relative to penalties for the possession of certain amounts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 40:966(C)(2)(a), (d), (e)(i) and (f)(i) are hereby amended and reenacted to read as follows:

§ 966.  Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, synthetic cannabinoids, and heroin

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C. Possession. It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance classified in Schedule I unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner or as provided in R.S. 40:978, while acting in the course of his
professional practice, or except as otherwise authorized by this Part. Any person who violates this Subsection with respect to:

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(2) A substance classified in Schedule I that is marijuana, tetrahydrocannabinol, or chemical derivatives thereof, shall be punished as follows:

(a)(i) On a first conviction or any subsequent conviction, wherein the offender possesses fourteen grams or less, the offender shall be fined not more than three one hundred dollars, imprisoned in the parish jail for not more than fifteen days, or both.

(ii) If an offender upon whom a fine has been imposed under this Subparagraph 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.

(iii) This Subparagraph shall be enforced by use of summons in lieu of custodial arrest, in accordance with Code of Criminal Procedure Article 211.

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(d) On a second conviction, wherein the offender possesses more than fourteen grams, the offender shall be fined not more than one thousand dollars, imprisoned in the parish jail for not more than six months, or both.

(e)(i) On a third conviction, wherein the offender possesses more than fourteen grams, the offender shall be sentenced to imprisonment, with or without hard labor, for not more than two years, shall be fined not more than two thousand five hundred dollars.

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(f)(i) On a fourth or subsequent conviction, wherein the offender possesses more than fourteen grams, the offender shall be sentenced to imprisonment with or without hard labor for not more than eight years, shall be fined not more than five thousand dollars, or both.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ______________________

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