

2024 Regular Session

HOUSE BILL NO. 391

BY REPRESENTATIVE BOYD

PARDON/PAROLE: Provides relative to pardons

1 AN ACT

2 To enact R.S. 15:572.2, relative to pardons; to provide that persons convicted of certain
3 offenses of possession of marijuana shall be eligible for pardon by the governor
4 without the requirement of completion of sentence and without recommendation to
5 the Board of Pardons; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:572.2 is hereby enacted to read as follows:

8 §572.2. Pardon eligibility for offenders of certain convictions of possession of
9 marijuana

10 A. Notwithstanding any provision of law to the contrary, a person convicted
11 of possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof,
12 pursuant to R.S. 40:966(C)(2)(a) or (b) shall be eligible for a pardon by the governor
13 without the necessity of completion of sentence and without a recommendation of
14 the Board of Pardons.

15 B. Notwithstanding any provision of law to the contrary, no pardon shall be
16 issued unless the person has paid all of the court costs which were imposed in
17 connection with the conviction of the crime for which the pardon is to be issued.

18 C. The division of probation and parole of the Department of Public Safety
19 and Corrections, after confirming that the individual was convicted of a first offense
20 of possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof,

1 pursuant to R.S. 40:966(C)(2)(a) or (b) and received a pardon from the governor for
 2 that conviction, shall issue a certificate recognizing and proclaiming that the
 3 petitioner is fully pardoned for the offense and that he has all rights of citizenship
 4 and franchise, and the division shall transmit a copy of the certificate to the
 5 individual and to the clerk of court in and for the parish where the conviction
 6 occurred. This copy shall be filed in the record of the proceedings in which the
 7 conviction was obtained. However, once a pardon is granted under the provisions
 8 of this Section, the individual who received such pardon shall not be entitled to
 9 receive another pardon by the governor pursuant to this Section.

10 D. Notwithstanding any provision of law to the contrary, any person who
 11 receives a pardon under the provisions of Subparagraph (1) of Paragraph (E) of
 12 Section 5 of Article IV of the Constitution of Louisiana and this Section may be
 13 charged and punished as a second or multiple offender as provided in R.S. 15:529.1.

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)]

HB 391 Engrossed

2024 Regular Session

Boyd

Abstract: Provides that persons convicted of certain offenses of possession of marijuana shall be eligible for pardon by the governor without the requirement of completion of sentence and without recommendation to the Board of Pardons.

Proposed law provides that a person convicted of possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, pursuant to present law (R.S. 40:966(C)(2)(a) or (b)) shall be eligible for a pardon by the governor without the necessity of completion of sentence and without a recommendation of the Board of Pardons.

Proposed law provides that no pardon shall be issued unless the person has paid all of the court costs which were imposed in connection with the conviction of the crime for which the pardon is to be issued.

Proposed law provides that the division of probation and parole of the Dept. of Public Safety and Corrections, after confirming that the individual was convicted of a first offense of possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, pursuant to present law (R.S. 40:966(C)(2)(a) or (b)) and received a pardon for that conviction, shall issue a certificate recognizing and proclaiming that the petitioner is fully pardoned for the offense and that he has all rights of citizenship and franchise, and the division shall transmit a copy of the certificate to the individual and to the clerk of court in and for the parish where the conviction occurred.

Proposed law further provides that this copy shall be filed in the record of the proceedings in which the conviction was obtained.

Proposed law provides that once an automatic pardon is granted under the provisions of proposed law, the individual who received such pardon shall not be entitled to receive another automatic pardon pursuant to proposed law.

Proposed law provides that any person who receives a pardon under the provisions of present law (Const. Art. IV, §5(E)(1)) and proposed law may be charged and punished as a second or multiple offender as provided in present law (R.S. 15:529.1).

(Adds R.S. 15:572.2)