

Regular Session, 2014

HOUSE BILL NO. 906

BY REPRESENTATIVE WOODRUFF

CONTROLLED SUBSTANCES: Amends penalty provisions for possession of marijuana

1 AN ACT

2 To amend and reenact R.S. 40:966(E) and to enact R.S. 15:529.1(A)(5), relative to
3 possession of marijuana; to amend the criminal penalties for certain possession
4 offenses; to provide with respect to sentencing pursuant to the Habitual Offender
5 Law; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:966(E) is hereby amended and reenacted to read as follows:

8 §966. Penalty for distribution or possession with intent to distribute narcotic drugs
9 listed in Schedule I; possession of marijuana; possession of synthetic
10 cannabinoids

11 * * *

12 E. Possession of marijuana or synthetic cannabinoids.

13 (1) Except as provided in Subsections F or G of this Section, on a conviction
14 for violation of Subsection C of this Section with regard to marijuana,
15 tetrahydrocannabinol, or chemical derivatives thereof, or synthetic cannabinoids
16 when the offender possesses less than twenty-eight grams, the offender shall be
17 punished as follows:

18 (a) On a first conviction, the offender shall be fined not less than fifty dollars
19 nor more than one hundred dollars.

1 **(b)** On a second conviction, the offender shall be fined not less than one
2 hundred dollars nor more than one hundred fifty dollars.

3 **(c)** On a third or subsequent conviction, the offender shall be fined not less
4 than one hundred fifty dollars nor more than two hundred dollars, or placed on
5 probation for not more than six months, or both. If the court places the offender on
6 probation, the probation shall provide for a minimum condition that he participate
7 in a court-approved substance abuse program and perform four eight-hour days of
8 court-approved community service activities. Any costs associated with probation
9 shall be paid by the offender.

10 **(2)(a)** Except as provided in Subsections ~~E~~ and F or G of this Section, on a
11 first conviction for violation of Subsection C of this Section with regard to
12 marijuana, tetrahydrocannabinol, or chemical derivatives thereof, or synthetic
13 cannabinoids when the offender possesses twenty-eight grams or more but less than
14 sixty pounds, the offender shall be fined not more than five hundred dollars,
15 imprisoned in the parish jail for not more than six months, or both.

16 ~~(2)(a)~~**(b)** Except as provided in Subsection F or G of this Section, on a
17 second conviction for violation of Subsection C of this Section with regard to
18 marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic
19 cannabinoids when the offender possesses twenty-eight grams or more but less than
20 sixty pounds, the offender shall be fined not less than two hundred fifty dollars, nor
21 more than two thousand dollars, imprisoned with or without hard labor for not more
22 than five years, or both.

23 ~~(b)~~**(c)** If the court places the offender on probation, the probation shall
24 provide for a minimum condition that he participate in a court-approved substance
25 abuse program and perform four eight-hour days of court-approved community
26 service activities. Any costs associated with probation shall be paid by the offender.

27 **(3)** Except as provided in Subsection F or G of this Section, on a third or
28 subsequent conviction for violation of Subsection C of this Section with regard to
29 marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic

1 cannabinoids when the offender possesses twenty-eight grams or more but less than
2 sixty pounds, the offender shall be sentenced to imprisonment with or without hard
3 labor for not more than twenty years, and may, in addition, be sentenced to pay a fine
4 of not more than five thousand dollars.

5 (4) A conviction for the violation of any other statute or ordinance with the
6 same elements as R.S. 40:966(C) prohibiting the possession of marijuana,
7 tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids
8 when the offender possesses twenty-eight grams or more but less than sixty pounds
9 shall be considered as a prior conviction for the purposes of this Subsection relating
10 to penalties for second, third, or subsequent offenders.

11 (5) A conviction for the violation of any other statute or ordinance with the
12 same elements as R.S. 40:966(B)(3) prohibiting the distributing or dispensing or
13 possession with intent to distribute or dispense marijuana, ~~of marijuana,~~[†]
14 tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids
15 when the offender possesses twenty-eight grams or more but less than sixty pounds
16 shall be considered as a prior conviction for the purposes of this Subsection relating
17 to penalties for second, third, or subsequent offenders.

18 * * *

19 Section 2. R.S. 15:529.1(A)(5) is hereby enacted to read as follows:

20 §529.1. Sentences for second and subsequent offenses; certificate of warden or clerk
21 of court in the state of Louisiana as evidence

22 A. Any person who, after having been convicted within this state of a felony,
23 or who, after having been convicted under the laws of any other state or of the
24 United States, or any foreign government of a crime which, if committed in this state
25 would be a felony, thereafter commits any subsequent felony within this state, upon
26 conviction of said felony, shall be punished as follows:

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