

GREEN SHEET REDIGEST

HB 149

2015 Regular Session

Badon

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

CRIMINAL/SENTENCING. Amends certain criminal penalties for possession of marijuana

DIGEST

Present law provides penalties for the present law crimes of distribution or possession with intent to distribute marijuana and possession of synthetic cannabinoids.

Present law provides that on a first conviction for possession of marijuana or synthetic cannabinoids, the offender is to be fined up to \$500, imprisoned for up to six months, or both.

Present law provides that on a second conviction for possession of marijuana or synthetic cannabinoids, the offender is to be fined between \$250 and \$2,000, imprisoned with or without hard labor for up to five years, or both. Present law further provides that if the court places the offender on probation, the probation must require the offender to participate in a court-approved substance abuse program and perform four eight-hour days of court-approved community service, with any costs associated with probation to be paid by the offender.

Present law provides that on a third or subsequent conviction for possession of marijuana or synthetic cannabinoids, the offender is to be imprisoned with or without hard labor for up to 20 years, and also may be fined up to \$5,000.

Present law provides that a conviction for the violation of any other statute or ordinance with the same elements as present law relative to simple possession of marijuana or synthetic cannabinoids is considered to be a prior conviction for the purposes of present law penalties for second, third, or subsequent offenders.

Present law provides that a conviction for the violation of any other statute or ordinance with the same elements as present law prohibiting the distributing or dispensing or possession with intent to distribute or dispense marijuana or synthetic cannabinoids is considered to be a prior conviction for the purposes of present law penalties for second, third, or subsequent offenders.

Proposed law provides that on a first conviction for violation of present law with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, for the possession of 14 grams or less, the offender is to be fined not less than \$300, imprisoned in parish jail for not more than 15 days, or both.

Proposed law provides that on a first conviction for violation of present law with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, for the possession of more than 14 grams, the offender is to be fined not less than \$500, imprisoned in the parish jail for not more than six months, or both.

Proposed law provides a one-time two-year cleansing period for a first conviction under proposed law.

Proposed law provides that on a second conviction for violation of present law with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, the offender is to be fined not more than \$1,000, imprisoned in the parish jail for not more than six months, or both.

Proposed law provides that on a third conviction for violation of present law with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, the offender is to be fined not more than \$2,500, imprisoned with or without hard labor for not more than two years, or both.

Proposed law provides that on a fourth or subsequent conviction for violation of present law with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, the offender is to be fined not more than \$5,000, imprisoned with or without hard labor for not more than eight years, or both.

Proposed law provides that on a first conviction for possession of synthetic cannabinoids, the offender is to be fined not more than \$500, imprisoned for not more than six months, or both.

Proposed law provides that on a second conviction for possession of synthetic cannabinoids, the offender is to be fined not less than \$250 nor more than \$2,000, imprisoned with or without hard labor for not more than five years, or both.

Proposed law provides that on a third or subsequent conviction for possession of synthetic cannabinoids, the offender is to be sentenced to imprisonment with or without hard labor for not more than 20 years, and may also be fined not more than \$5,000.

Proposed law provides that a conviction for the violation of any other provision of present law with the same elements proposed law prohibiting the possession of synthetic cannabinoids is considered a prior conviction for the purposes of proposed law relative to penalties for second, third, or subsequent offenses.

Proposed law provides that a conviction for the violation of any other provision of present law with the same elements as proposed law prohibiting the distributing or dispensing or possession with intent to distribute or dispense synthetic cannabinoids is considered a prior conviction for the purposes of proposed law relative to penalties for second, third, or subsequent offenses.

Proposed law provides that if the court places the offender on probation, the probation must provide for a minimum condition that the offender participate in a court-approved substance abuse program and perform four eight-hour days of court-approved community service activities, with any costs associated with probation to be paid by the offender.

Proposed law provides that any person who knowingly or intentionally possesses two and one-half pounds or more, but less than 60 pounds of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids is to be sentenced to imprisonment at hard labor for not less than two years, nor more than 10 years, and fined not less than \$10,000 nor more than \$30,000.

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:966(E) and (F))

Summary of Amendments Adopted by House

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

1. Remove proposed law habitual offender changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the engrossed bill

1. Add separate penalties for possession of 14 grams or less of marijuana and related substances and more than 14 grams of marijuana and related substances.
2. Add a one-time two-year cleansing period for a first conviction under proposed law.