

RÉSUMÉ DIGEST

ACT 295 (HB 149)

2015 Regular Session

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Existing law provides penalties for the crime of synthetic cannabinoids.

New law retains all existing law penalties regarding synthetic cannabinoids.

Prior law provided for the following penalties with regard to the crime of possession of marijuana, tetrahydrocannabinol, or chemical derivatives:

- (1) On a first conviction, the offender would have been fined not more than \$500, imprisoned in the parish jail for not more than six months, or both.
- (2) On a second conviction, the offender would have been fined not less than \$250 nor more than \$2,000, imprisoned with or without hard labor for not more than five years, or both.
- (3) On a third or subsequent conviction, the offender would have been sentenced to imprisonment with or without hard labor for not more than 20 years, and may, in addition, be sentenced to pay a fine of not more than \$5,000.

New law provides for the following penalties with regard to the crime of possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof as follows:

- (1) On a first conviction, for the possession of **14 grams or less**, the offender is to be fined up to \$300, imprisoned in parish jail for not more than 15 days, or both; and for the possession of **more than 14 grams** the offender is to be fined not more than \$500, imprisoned in the parish jail for not more than six months, or both.
- (2) On a first conviction, any person who has been convicted of a violation of the provisions of new law and who has not been convicted of any other violation of a statute or ordinance prohibiting the possession of marijuana for a period of two years from the date of completion of sentence, probation, parole, or suspension of sentence shall not be eligible to have the conviction used as a predicate conviction for enhancement purposes. This cleansing period provision shall occur only once with respect to any person.
- (3) On a second conviction, the offender shall be fined not more than not more than \$1,000, imprisoned in the parish jail for not more than six months, or both.
- (4) On a third conviction, the offender shall be fined not more than \$2,500, imprisoned with or without hard labor for not more than two years, or both.
- (5) On a fourth or subsequent conviction, the offender shall be fined not more than \$5,000, imprisoned with or without hard labor for not more than eight years, or both.

Existing law required that if the court placed an 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.

Prior law provided for the probation requirements to apply to a second conviction.

New law changed the application of the probation requirements to apply only to third and subsequent convictions.

Existing law provides for penalties for possession of more than 60 pounds of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids.

New 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.

New law otherwise retains existing law.

Effective June 29, 2015.

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