

2016 Regular Session

HOUSE BILL NO. 267

BY REPRESENTATIVE GREGORY MILLER

CONTROLLED SUBSTANCES: Decreases criminal penalties for certain offenses involving drug paraphernalia

1 AN ACT

2 To amend and reenact R.S. 40:1025(A), (B), and (C), relative to penalties for transactions
3 involving drug paraphernalia; to amend the penalty provisions for such offenses; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1025(A), (B), and (C) are hereby amended and reenacted to read
7 as follows:

8 §1025. Penalties

9 A.(1) The first violation of or failure to comply with any provision of this
10 Part shall subject the offender to a fine not in excess of ~~five~~ three hundred dollars,
11 or imprisonment of not more than ~~six months~~ fifteen days, or both.

12 (2) Any person who has been convicted of a violation of the provisions of
13 this Subsection and who has not been convicted of any violation of the controlled
14 dangerous substances law for a period of two years from the date of completion of
15 sentence, probation, parole, or suspension of sentence shall not be eligible to have
16 the conviction used as a predicate conviction for enhancement purposes. The
17 provisions of this Paragraph shall occur only once with respect to any person.

18 B. On a second conviction, the offender shall be fined not more than one
19 thousand dollars, or imprisoned for not more than ~~one year~~ six months, or both.

1 C. On a third or subsequent conviction, the offender shall be fined not more
 2 than ~~five thousand~~ two thousand five hundred dollars, or imprisoned, with or without
 3 hard labor, for not more than ~~five~~ two years, or both.

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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 267 Original

2016 Regular Session

Gregory Miller

Abstract: Decreases penalties for crimes involving the possession of drug paraphernalia to make those penalties consistent with penalties for possession of marijuana.

Present law provides for the penalties for violations of law regarding the possession, sale, and use of drug paraphernalia.

Present law (which originated as Act No. 295 of the 2015 Regular Session) reduced penalties for the possession of marijuana.

Proposed law reduces the penalties for drug paraphernalia offenses to mirror those of possession of marijuana.

Proposed law provides penalties for a first conviction of a fine of not more than \$300, imprisonment for not more than 15 days, or both. For a second conviction - a fine of not more than \$1,000, imprisonment for not more than six months, or both. For a third or subsequent conviction - a fine of not more than \$2,500, imprisonment for not more than two years, or both.

(Amends R.S. 40:1025(A), (B), and (C))