

# ACT No. 295

2015 Regular Session

HOUSE BILL NO. 149

BY REPRESENTATIVES BADON, BARROW, BOUIE, BURRELL, COX, EDWARDS, HONORE, HUNTER, JACKSON, JAMES, JEFFERSON, TERRY LANDRY, NORTON, PIERRE, SMITH, AND ALFRED WILLIAMS

1 AN ACT

2 To amend and reenact R.S. 40:966(E) and (F), relative to the Uniform Controlled Dangerous  
3 Substances Law; to provide relative to penalties for possession of marijuana when  
4 the amount possessed is fourteen grams or less; to provide relative to penalties for  
5 possession of marijuana when the amount possessed is fourteen grams or more, but  
6 less than two and one-half pounds; to provide relative to a cleansing period for  
7 certain offenses; to provide relative to the possession of more than two and one-half  
8 pounds and less than sixty pounds of marijuana; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:966(E) and (F) are hereby amended and reenacted to read as  
11 follows:

12 §966. Penalty for distribution or possession with intent to distribute narcotic drugs  
13 listed in Schedule I; possession of marijuana, possession of synthetic  
14 cannabinoids, possession of heroin

15 \* \* \*

16 E.(1) Possession of marijuana, ~~or synthetic cannabinoids.~~ (1)(a) Except as  
17 provided in ~~Subsections E and Subsection F~~ of this Section, on a first conviction for  
18 violation of Subsection C of this Section with regard to marijuana,  
19 tetrahydrocannabinol, or chemical derivatives thereof, ~~or synthetic cannabinoids~~ the  
20 offender shall be ~~fined not more than five hundred dollars, imprisoned in the parish~~  
21 ~~jail for not more than six months, or both.~~ punished as follows:

22 (i) On a first conviction, wherein the offender possesses fourteen grams or  
23 less, the offender shall be fined not more than three hundred dollars, imprisoned in  
24 the parish jail for not more than fifteen days, or both.

1            (ii) On a first conviction, wherein the offender possesses more than fourteen  
2            grams, the offender shall be fined not more than five hundred dollars, imprisoned in  
3            the parish jail for not more than six months, or both.

4            (iii) Any person who has been convicted of a violation of the provisions of  
5            Item (i) or (ii) of this Subparagraph and who has not been convicted of any other  
6            violation of a statute or ordinance prohibiting the possession of marijuana for a  
7            period of two years from the date of completion of sentence, probation, parole, or  
8            suspension of sentence shall not be eligible to have the conviction used as a predicate  
9            conviction for enhancement purposes. The provisions of this Subparagraph shall  
10           occur only once with respect to any person.

11           ~~(2)(a)~~ (b) Except as provided in Subsection F ~~or G~~ of this Section, on a  
12           second conviction for violation of Subsection C of this Section with regard to  
13           marijuana, tetrahydrocannabinol or chemical derivatives thereof, ~~or synthetic~~  
14           ~~cannabinoids~~ the offender shall be fined not ~~less than two hundred fifty dollars, nor~~  
15           ~~more than two thousand dollars, imprisoned with or without hard labor for not more~~  
16           ~~than five years, or both~~ more than one thousand dollars, imprisoned in the parish jail  
17           for not more than six months, or both.

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

22           ~~(3)(c)~~ (i) Except as provided in Subsection F ~~or G~~ of this Section, on a third  
23           ~~or subsequent~~ conviction for violation of Subsection C of this Section with regard  
24           to marijuana, tetrahydrocannabinol or chemical derivatives thereof, ~~or synthetic~~  
25           ~~cannabinoids~~ the offender shall be sentenced to imprisonment with or without hard  
26           labor for not more than ~~twenty years, and may, in addition, be sentenced to pay a fine~~  
27           ~~of not more than five thousand dollars~~ two years, shall be fined not more than two  
28           thousand five hundred dollars, or both.

29           (ii) If the court places the offender on probation, the probation shall provide  
30           for a minimum condition that he participate in a court-approved substance abuse

1 program and perform four eight-hour days of court-approved community service  
 2 activities. Any costs associated with probation shall be paid by the offender.

3 (d)(i) Except as provided in Subsection F of this Section, on a fourth or  
 4 subsequent conviction for violation of Subsection C of this Section with regard to  
 5 marijuana, tetrahydrocannabinol or chemical derivatives thereof, the offender shall  
 6 be sentenced to imprisonment with or without hard labor for not more than eight  
 7 years, shall be fined not more than five thousand dollars, or both.

8 (ii) If the court places the offender on probation, the probation shall provide  
 9 for a minimum condition that he participate in a court-approved substance abuse  
 10 program and perform four eight-hour days of court-approved community service  
 11 activities. Any costs associated with probation shall be paid by the offender.

12 ~~(4)(e)~~ A Except as provided in Item (a)(iii) of this Paragraph, a conviction  
 13 for the violation of any other statute or ordinance with the same elements as R.S.  
 14 ~~40:966(C)~~ Subsection C of this Section prohibiting the possession of marijuana,  
 15 tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall  
 16 be considered as a prior conviction for the purposes of this Subsection relating to  
 17 penalties for second, third, or subsequent offenders.

18 ~~(5)(f)~~ A Except as provided in Item (a)(iii) of this Paragraph, a conviction  
 19 for the violation of any other statute or ordinance with the same elements as R.S.  
 20 ~~40:966(B)(3)~~ Paragraph (B)(3) of this Section prohibiting the distributing or  
 21 dispensing or possession with intent to distribute or dispense marijuana, of  
 22 marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic  
 23 cannabinoids shall be considered as a prior conviction for the purposes of this  
 24 Subsection relating to penalties for second, third, or subsequent offenders.

25 (2) Possession of synthetic cannabinoids. (a) Except as provided in  
 26 Subsections F and G of this Section, on a first conviction for violation of Subsection  
 27 C of this Section with regard to synthetic cannabinoids, the offender shall be fined  
 28 not more than five hundred dollars, imprisoned for not more than six months, or  
 29 both.

1           **(b) Except as provided in Subsections F and G of this Section, on a second**  
2           **conviction for violation of Subsection C of this Section with regard to synthetic**  
3           **cannabinoids, the offender shall be fined not less than two hundred fifty dollars nor**  
4           **more than two thousand dollars, imprisoned with or without hard labor for not more**  
5           **than five years, or both.**

6           **(c) Except as provided in Subsections F and G of this Section, on a third or**  
7           **subsequent conviction for violation of Subsection C of this Section with regard to**  
8           **synthetic cannabinoids, the offender shall be sentenced to imprisonment with or**  
9           **without hard labor for not more than twenty years, and may, in addition, be fined not**  
10           **more than five thousand dollars.**

11           **(d) A conviction for the violation of any other provision of law or ordinance**  
12           **with the same elements as Subsection C of this Section prohibiting the possession**  
13           **of synthetic cannabinoids shall be considered a prior conviction for the purposes of**  
14           **this Paragraph relating to penalties for second, third, or subsequent offenses.**

15           **(e) A conviction for the violation of any other provision of law or ordinance**  
16           **with the same elements as Paragraph (B)(3) of this Section prohibiting the**  
17           **distributing or dispensing or possession with intent to distribute or dispense synthetic**  
18           **cannabinoids shall be considered a prior conviction for the purposes of this**  
19           **Paragraph relating to penalties for second, third, or subsequent offenses.**

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

24           F. Except as otherwise authorized in this Part:

25           **(1) Any person who knowingly or intentionally possesses two and one-half**  
26           **pounds or more, but less than sixty pounds of marijuana, tetrahydrocannabinol or**  
27           **chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve**  
28           **a term of imprisonment with or without hard labor of not less than two years, nor**  
29           **more than ten years, and to pay a fine of not less than ten thousand dollars nor more**  
30           **than thirty thousand dollars.**

