SLS 10RS-1025 ORIGINAL

Regular Session, 2010

SENATE BILL NO. 576

BY SENATOR CLAITOR

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CRIME/PUNISHMENT. Provides relative to second offense possession of marijuana. (8/15/10)

AN ACT

2	To amend and reenact R.S. 40:966(E)(2), relative to second offense possession of marijuana;
3	to provide for a minimum fine; to provide relative to suspension of sentence; to
4	require participation in substance abuse programs and community service in certain
5	circumstances; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 40:966(E)(2) 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
10	* * *
11	E. Possession of marijuana.
12	* * *
13	(2) Except as provided in Subsection F or G of this Section, on a second
14	conviction for violation of Subsection C of this Section with regard to marijuana,
15	tetrahydrocannabinol or chemical derivatives thereof, the offender shall be fined not
16	less than two hundred fifty dollars, nor more than two thousand dollars,
17	imprisoned with or without hard labor for not more than five years, or both. At least

forty-eight hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence unless the offender is placed on probation with a minimum condition that he participate in a court-approved substance abuse program and perform four eight-hour days of court-approved community service activities.

* * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Johnson.

DIGEST

<u>Present law</u> requires that on a second conviction for possession of marijuana, tetrahydrocannabinol or chemical derivatives thereof, the offender be fined not more than \$2,000, imprisoned with or without hard labor for not more than five years, or both.

Proposed law retains present law but adds a minimum fine \$250.

<u>Proposed law</u> requires that at least 48 hours of the sentence imposed be served without benefit of parole, probation, or suspension of sentence unless the offender is placed on probation with a minimum condition that he participate in a court-approved substance abuse program and perform 4 eight-hour days of court-approved community service activities.

Effective August 15, 2010.

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(Amends R.S. 40:966(E)(2))