

## RÉSUMÉ DIGEST

HB 391

2024 Regular Session

Boyd

Proposed law would have provided that a person convicted of possession of 14 grams or less of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, pursuant to present law (R.S. 40:966(C)(2)(a)) would have been eligible for a pardon by the governor without the necessity of completion of sentence and without a recommendation of the Board of Pardons.

Proposed law would have provided that no pardon could have been issued unless the person had paid all of the court costs which were imposed in connection with the conviction of the crime for which the pardon was to be issued.

Proposed law would have provided for duties of the division of probation and parole of the Dept. of Public Safety and Corrections, after confirmation that the individual had been convicted of a first offense of possession of 14 grams or less of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, pursuant to present law (R.S. 40:966(C)(2)(a)) and received a pardon for that conviction.

Proposed law would have provided that once an automatic pardon was granted under the provisions of proposed law, the individual who received such pardon would not have been entitled to receive another automatic pardon pursuant to proposed law.

Proposed law would have provided that any person who received a pardon under the provisions of both present law (Const. Art. IV, §5(E)(1)) and proposed law could have been charged and punished as a second or multiple offender as provided in present law (R.S. 15:529.1).

(Proposed to add R.S. 15:572.2)

### VETO MESSAGE:

"This bill seeks to enact a first-of-its-kind express lane for pardons, bypassing review and recommendation from the Board of Pardons and all normal procedures. As written, House Bill 391 explicitly violates the Louisiana Constitution, Article IV, Section 5(E)(1), which states that a favorable recommendation of the Board of Pardons is required before a Governor may even consider exercising his authority to pardon or commute a criminal conviction or sentence. Moreover, House Bill 391 is simply unnecessary as the Louisiana Constitution already provides for an automatic pardon for a first-time nonviolent offense.

Equally troubling, House Bill 391 appears to be an attempt to have Louisiana accept President Biden's invitation to the states to join his soft-on-crime, no-consequences-for-criminals agenda. On behalf of Louisiana and her great people, I decline such an invitation and will continue to fight to strengthen our criminal justice system and the rule of law in Louisiana.

For these reasons, House Bill 391 will not become law."