
DIGEST

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HB 611 Original

2018 Regular Session

James

Abstract: Creates a civil penalty for possession of a personal use quantity marijuana not to exceed \$100 and provides for the collection of data pertaining to civil fines issued.

Present law imposes criminal penalties for possession of marijuana. Proposed law retains present law.

Proposed law creates a civil penalty of \$100 for possession of no more than one ounce of marijuana (personal use quantity). Provides that the revenue generated shall be paid to the municipality where the violation occurred. Limits the state's ability to impose any additional penalty on a person for possessing a personal use quantity of marijuana or having cannabinoids in their body tissues or fluids. Prohibits a civil violation from being considered a state or federal drug offense or parole violation or grounds for denying student financial aid, public housing, public financial assistance, the right to operate a motor vehicle or serve as a foster or adoptive parent.

Proposed law provides that a person shall not be subject to arrest for possession of personal use quantity of marijuana.

Proposed law does not repeal or modify any law concerning the medical use of marijuana, possession of more than one ounce of marijuana, or the selling, manufacturing, or trafficking of marijuana. Does not prohibit a political subdivision of the state from enacting laws regulating or prohibiting the consumption of marijuana in public places, provided such penalties are not greater than those related to the public consumption of alcohol.

Proposed law provides that no record of violation of proposed law shall be recorded in a database of criminal offenders. Provides that no record including personally identifiable information shall be made accessible to the public, a federal agency, or an agency from another state or country. However, does require all state, parish, and local law enforcement agencies that collect and report data for the Uniform Crime Reports program to collect data on the number of violations of proposed law and report it to the Dept. of Public Safety and Corrections to compile and publish on the internet.

(Adds R.S. 40:966.1)