

FACT SHEET

**CITY OF SHREVEPORT,
LOUISIANA**

AN ORDINANCE TO IMPLEMENT A REDUCED MUNICIPAL PENALTY FOR MISDEMEANOR POSSESSION OF MARIJUANA, TETRAHYDROCANNABINOL, OR CHEMICAL DERIVATIVES THEREOF AND TO OTHERWISE PROVIDE WITH RESPECT THERETO	<u>DATE</u>	<u>ORIGINATING DEPARTMENT</u>
	1/26/2021	Mayor/CAO/City Council
		<u>COUNCIL DISTRICT</u>
		All
		<u>SPONSOR</u>
	COUNCILWOMAN TABATHA TAYLOR & COUNCILMAN JOHN NICKELSON	

PURPOSE

To implement a fine of \$50.00 and/or community service in lieu of imprisonment for simple possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof, where a person is in possession of fourteen (14) grams or less.

BACKGROUND INFORMATION

It is unlawful for any person knowingly or intentionally to possess marijuana, tetrahydrocannabinol, or chemical derivatives thereof, as defined in La. R.S. 40:964, Schedule I, unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner while acting in the course of his professional practice, or as otherwise authorized by law. Upon violation of the law with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, except as provided in La. R.S. 40:966(F), shall be fined not more than \$50.00. This will be enforced by use of summons in lieu of custodial arrest, in accordance with La. C. Cr. P. art. 211.

TIMETABLE

Introduction: March 9, 2021
Final Passage: March 23, 2021

ATTACHMENT(S)

NA

SPECIAL PROCEDURAL REQUIREMENTS

[None]

FINANCES

None.

SOURCE OF FUNDS

NA

ALTERNATIVES

(1) Adopt the ordinance as submitted, or (2) Amend the ordinance, or (3) Reject the ordinance.

RECOMMENDATION

[It is recommended the City Council adopt the ordinance]

FACT SHEET PREPARED BY:

Cheredith Rhone, ACAO

ORDINANCE NO. _____ OF 2021

AN ORDINANCE TO IMPLEMENT A REDUCED MUNICIPAL PENALTY FOR MISDEMEANOR POSSESSION OF MARIJUANA, TETRAHYDROCANNABINOL, OR CHEMICAL DERIVATIVES THEREOF AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY: COUNCILWOMAN TAYLOR & COUNCILMAN NICKELSON

BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana, in due, regular and legal session convened, that Chapter 50, sections 50-122 of the Code of Ordinances of the City of Shreveport is hereby amended to read as follows:

ARTICLE II – CRIMINAL CODE

DIVISION 4 – OFFENSES AGAINST PUBLIC MORALS

Sec. 50-122. – Misdemeanor possession of marijuana, tetrahydrocannabinol, or chemical derivatives

- (a) It shall be unlawful for any person knowingly or intentionally to possess marijuana, tetrahydrocannabinol, or chemical derivatives thereof, as defined in La. R.S. 40:964, Schedule I, unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, or as provided in La. R.S. 40:1046, while acting in the course of his professional practice, or as otherwise authorized by law.
- (b) Any person who is found to be in violation of subsection (A), except as provided in La. R.S. 40:966(F), shall be fined not more than \$50.00.
- (c) If a defendant upon whom a fine has been imposed under this Section alleges indigency, or otherwise fails to pay the imposed fine, the Court must first determine whether the defendant has willfully refused to pay or make bona fide efforts to legally acquire resources to pay; if defendant has not willfully refused to pay and has made bona fide efforts to attempt to pay the fine, the Court shall use its discretion to fashion alternative penalties other than imprisonment, including installment payments or community service. Imprisonment, and/or any other alternative penalties that impose restrictive treatment on defendants greater than they otherwise would have received under this Section if not for their indigency, are prohibited.
- (d) This Section shall be enforced by use of summons in lieu of custodial arrest, in accordance with La. C.Cr. P. art. 211.

- (e) Under no circumstances shall the provisions of this Section apply to instances:
1. Where a person possesses more than fourteen grams of marijuana, tetrahydrocannabinol, or chemical derivatives thereof;
 2. Where a person possesses synthetic cannabinoids; or
 3. Where a person is under the age of 18 years old.
- (f) In the event that any one or more provisions of this Section shall, for any reason, be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this Section. Rather, this Section shall be construed and enforced as if such invalid, illegal, or unenforceable provision had never been contained therein.

Secs. 50-123—50-130. - Reserved.

BE IT FURTHER ORDAINED, that the remainder of Chapter 50, Article II, Division 4 of the Code of Ordinances shall remain unchanged and in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall be effective thirty (30) days from and after its adoption.

BE IT FURTHER ORDAINED, that if any provision or item of this ordinance or the application thereof shall be held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or applications; and to this end, the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED, that all ordinances or portions thereof in conflict herewith are hereby repealed.

APPROVED AS TO LEGAL FORM:

City Attorney's Office