

**LOUISIANA STATE LAW INSTITUTE
CRIMINAL CODE AND CODE OF CRIMINAL PROCEDURE
COMMITTEE**

**INTERIM REPORT TO THE LEGISLATURE
IN RESPONSE TO SCR 16 OF THE 2015 REGULAR SESSION**

Relative to establishing a working group to study laws relative to marijuana

Prepared for the
Louisiana Legislature on

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Baton Rouge, Louisiana

**LOUISIANA STATE LAW INSTITUTE
CRIMINAL CODE AND CODE OF CRIMINAL PROCEDURE
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To: Senator John A. Alario, Jr.
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Representative Taylor F. Barras
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**INTERIM REPORT TO THE LOUISIANA LEGISLATURE
IN RESPONSE TO SCR NO. 16 OF THE 2015 REGULAR SESSION**

Senate Concurrent Resolution No. 16 of the 2015 Regular Session, attached, directs the Louisiana State Law Institute “to establish a working group to study current law relative to marijuana and to make recommendations to protect public safety, hold marijuana offenders accountable, and control costs to the criminal justice system arising out of the prosecution of marijuana offenses.” In fulfillment of this request, the Law Institute assigned the project to its Criminal Code and Code of Criminal Procedure Committee.

Background research concerning current law relative to marijuana is being conducted and compiled. The Criminal Code and Code of Criminal Procedure Committee plans to meet several times over the course of the next year in conjunction with all of the appropriate agencies and associations to consider this research and to make recommendations for the revision of marijuana laws and related habitual offender laws in order to ensure the most effective and efficient administration of justice in the state of Louisiana.

A final report will be submitted to the Legislature once the Criminal Code and Code of Criminal Procedure Committee has received approval of the project from the Council of the Law Institute.

Respectfully submitted,

Judge Guy Holdridge, Acting Reporter
Criminal Code and Code of Criminal Procedure Committee
Louisiana State Law Institute

SENATE CONCURRENT RESOLUTION NO. 16

BY SENATOR MILLS

A CONCURRENT RESOLUTION

To direct the Louisiana State Law Institute to establish a working group to study current law relative to marijuana and to make recommendations to protect public safety, hold marijuana offenders accountable, and control costs to the criminal justice system arising out of the prosecution of marijuana offenses.

WHEREAS, members of the criminal justice community have found that the volume of marijuana offenses being prosecuted are placing a burden on lower courts, forcing state and local governments to spend tax dollars to prosecute and defend many lesser offenses, thus creating a financial burden on these communities; and

WHEREAS, members of the criminal justice community have found that the increase in arrests, convictions, and sentencing for marijuana offenses has placed a burden on local jails and state prisons, and contributes significantly to Louisiana's costly incarceration rates; and

WHEREAS, the current state and federal funding climate gives the legislature and other officials cause to evaluate the need for reforms of the state's criminal justice system to promote public safety more effectively and efficiently, hold offenders accountable, and control spending; and

WHEREAS, it is incumbent upon the legislature and other officials to develop and implement changes necessary to optimize public safety resources and make strategic investments across our public safety system; and

WHEREAS, members of the criminal justice community have identified reform of marijuana sentencing laws and related habitual offender laws as a means to reduce incarceration rates and reduce costs to the criminal justice system without negatively impacting public safety; and

WHEREAS, in recent years, numerous legislative instruments aimed at marijuana sentencing reform have been introduced in both the House of Representatives and the Senate

but have not reached consensus in committee or been enacted into law; and

WHEREAS, the provisions of current law regarding marijuana offenses should be reviewed and thoroughly examined with the goal of building consensus among stakeholders and consolidating efforts toward legislative reform; and

WHEREAS, a concerted effort should be made to establish laws that yield a more effective criminal justice system, while holding public safety paramount and considering the issues that impact diverse stakeholders in the criminal justice system; and

WHEREAS, the legislature has the power to authorize and direct the Louisiana State Law Institute to study and make recommendations for the revision of laws regarding marijuana offenses, in particular sentencing for marijuana offenses, habitual offender laws, and related statutes; and

WHEREAS, on June 5, 2014, the Louisiana State Bar Association's House of Delegates adopted a resolution in support of legislation reducing sentences for simple possession of marijuana; and

WHEREAS, on January 17, 2015, the Louisiana State Bar Association's House of Delegates adopted a resolution in support of the study of marijuana laws and related habitual offender laws, and recommendations for reform.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to establish a working group to study and make recommendations for the revision of marijuana laws and related habitual offender laws in an effort to identify reforms that will ensure the most effective and efficient administration of justice in the state of Louisiana.

BE IT FURTHER RESOLVED that the Legislature of Louisiana hereby directs the Louisiana State Law Institute to work in conjunction with the Louisiana District Attorneys Association, the Louisiana Public Defender Board, the Louisiana Sheriffs' Association, the Louisiana State Police, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, the Louisiana Clerks of Court Association, and any other agencies or associations deemed appropriate by the working group regarding this study.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall report its findings and recommendations to the legislature on or before March 1, 2016.

BE IT FURTHER RESOLVED that a copy of this Resolution is to be transmitted to the director of the Louisiana State Law Institute.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES