

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND AND RE-ENACT SECTION 7-1001 OF THE THIBODAUX CITY CODE OF ORDINANCES (CONTROLLED DANGEROUS SUBSTANCE – SALE OR POSSESSION)**

**BE IT ORDAINED** by the City Council of the City of Thibodaux in regular session assembled, that Section 7-1001 of the Thibodaux City Code of Ordinances is hereby amended and re-enacted so as to read as follows:

Sec. 7-1001. – Controlled Dangerous Substance – Sale or Possession

*Possession:* It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance or intentionally to possess a controlled dangerous substance classified in schedule I unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner or as provided in R.S. 40:978, while acting in the course of his professional practice, or except as otherwise authorized by sections [7-1001](#)—7-1001.6. Any person who violates this subsection with respect to:

*Possession, marijuana:*

- (a) On a first conviction, wherein the offender possesses fourteen grams or less, the offender shall be fined not more than three hundred dollars, imprisoned in the parish jail for not more than fifteen days, or both.
- (b) On a first conviction, wherein the offender possesses more than fourteen grams, the offender shall be fined not more than five hundred dollars, imprisoned in the parish jail for not more than six months, or both.
- (c) Any person who has been sentenced under the provisions of Subparagraph (a) or (b) of this Paragraph and who has not been convicted of any other violation of a statute or ordinance prohibiting the possession of marijuana for a period of two years from the date of completion of sentence, probation, parole, or suspension of sentence shall not have the conviction used as a predicate conviction for enhancement purposes. The provisions of this Paragraph shall occur only once with respect to any person.
- (d) On a second conviction the offender shall be fined not more than one thousand dollars, imprisoned in the parish jail for not more than six months, or both.

**State Law reference**— Uniform Controlled Dangerous Substances Law, R.S. 40:961 et seq.; R.S. 40-1031—1035A.

***BE IT FURTHER ORDAINED*** that the provisions of this ordinance shall become effective immediately upon its adoption and approval by the Mayor.

The above ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS:

NAYS:

ABSTAINED:

ABSENT:

And the above ordinance was declared adopted this \_\_\_\_ day of \_\_\_\_ 2021.

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Jennifer Morvant, Council Adm.

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Chad J. Mire, President