

HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 315 by Senator Womack

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 through
3 5 in their entirety and insert the following:

4 "R.S. 40:966(B)(3) and 967(B)(4) and to enact R.S. 14:2(B)(8) and (29), relative to
5 the Uniform Controlled Dangerous Substances Law; to provide relative to penalties
6 for the distribution of heroin and fentanyl or carfentanil; to provide for penalties
7 when the distribution causes serious bodily injury; to add the offenses of distribution
8 of heroin and distribution of fentanyl or carfentanil which is the direct cause of
9 serious bodily injury to the list of crimes of violence; and to provide for related
10 matters."

11 AMENDMENT NO. 2

12 On page 1, line 7, after "Section 1." delete the remainder of the line and delete line 8 in its
13 entirety and insert the following:

14 "R.S. 40:966(B)(3) and 967(B)(4) are hereby amended and reenacted to read as
15 follows:"

16 AMENDMENT NO. 3

17 On page 1, between lines 8 and 9, insert the following:

18 "§966. Penalty for distribution or possession with intent to distribute narcotic drugs
19 listed in Schedule I; possession of marijuana, synthetic cannabinoids, and
20 heroin

21 * * *

22 B. Violations of Subsection A. Any person who violates Subsection A of this
23 Section with respect to:

24 * * *

25 (3)(a) A substance classified in Schedule I that is the narcotic drug heroin
26 or a mixture or substance containing a detectable amount of heroin or its analogues,
27 upon conviction for any amount, shall be imprisoned at hard labor for not less than
28 five years nor more than forty years and may, in addition, be required to pay a fine
29 of not more than fifty thousand dollars.

30 **(b)(i) If the offender unlawfully distributes or dispenses heroin or a**
31 **mixture or substance containing a detectable amount of heroin or its analogues,**
32 **which is the direct cause of serious bodily injury to the person who ingested or**
33 **consumed the substance, the offense shall be classified as a crime of violence,**
34 **and the offender shall be imprisoned at hard labor for not less than five years**
35 **nor more than forty years. At least five years of the sentence of imprisonment**
36 **shall be imposed without benefit of probation, parole, or suspension of sentence.**
37 **In addition, the offender may be required to pay a fine of not more than fifty**
38 **thousand dollars.**

39 **(ii) For purposes of this Subparagraph, "serious bodily injury" shall**
40 **have the same meaning as provided by R.S. 14:2(C).**

41 * * *

1 AMENDMENT NO. 4

2 On page 2, delete lines 3 through 29 in their entirety and on page 3, delete lines 1 through
3 14 in their entirety and insert the following:

4 "(b)(i) If the offender unlawfully distributes or dispenses fentanyl or a
5 mixture or substance containing a detectable amount of fentanyl or its
6 analogues, or carfentanil or a mixture or substance containing a detectable
7 amount of carfentanil or its analogues, which is the direct cause of serious
8 bodily injury to the person who ingested or consumed the substance, the offense
9 shall be classified as a crime of violence, and the offender shall be imprisoned
10 at hard labor for not less than five years nor more than forty years. At least five
11 years of the sentence of imprisonment shall be imposed without benefit of
12 probation, parole, or suspension of sentence. In addition, the offender may be
13 required to pay a fine of not more than fifty thousand dollars.

14 (ii) For purposes of this Subparagraph, "serious bodily injury" shall
15 have the same meaning as provided by R.S. 14:2(C).

16 (iii) This Subsection shall be known and may be cited as "Millie's Law".
17 * * *

18 AMENDMENT NO. 5

19 On page 3, line 15, after "Section 2." and before "hereby" change "R.S. 14:2(B)(8) is" to
20 "R.S. 14:2(B)(8) and (29) are"

21 AMENDMENT NO. 6

22 On page 3, after line 28, add the following:

23 "(29) Distribution of heroin punishable under R.S. 40:966(B)(3)(b)."