

2017 Regular Session

HOUSE BILL NO. 78

BY REPRESENTATIVE DWIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CONTROLLED SUBSTANCES: Provides relative to the penalties for possession of phencyclidine

1 AN ACT

2 To amend and reenact R.S. 40:966(C)(2) and 967(C) and to repeal R.S. 40:966(C)(3),
3 relative to the Uniform Controlled Dangerous Substances Law; to provide relative
4 to penalties for possession of phencyclidine as a Schedule II Controlled Dangerous
5 Substance; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:966(C)(2) and 967(C) are hereby amended and reenacted to read
8 as follows:

9 §966. Penalty for distribution or possession with intent to distribute narcotic drugs
10 listed in Schedule I; possession of marijuana, ~~possession of~~ synthetic
11 cannabinoids, ~~possession of~~ and heroin

12 * * *

13 C. Possession. It is unlawful for any person knowingly or intentionally to
14 possess a controlled dangerous substance classified in Schedule I unless such
15 substance was obtained directly, or pursuant to a valid prescription or order, from a
16 practitioner or as provided in R.S. 40:978, while acting in the course of his
17 professional practice, or except as otherwise authorized by this Part. Any person
18 who violates this Subsection with respect to:

19 * * *

1 (2) Phencyclidine, shall be sentenced to imprisonment with or without hard
2 labor for not less than five nor more than twenty years and may be sentenced to pay
3 a fine of not more than five thousand dollars, or both.

4 (3) Any other controlled dangerous substance classified in Schedule I, shall
5 be imprisoned at hard labor for not more than ten years, and may in addition, be
6 required to pay a fine of not more than five thousand dollars.

7 * * *

8 §967. Prohibited acts--Schedule II, penalties

9 * * *

10 C. Possession. It is unlawful for any person knowingly or intentionally to
11 possess a controlled dangerous substance as classified in Schedule II unless such
12 substance was obtained directly or pursuant to a valid prescription or order from a
13 practitioner, as provided in R.S. 40:978 while acting in the course of his professional
14 practice, or except as otherwise authorized by this Part.

15 (1) Any person who violates this Subsection with respect to pentazocine
16 shall be imprisoned₂ with or without hard labor₂ for not less than two years and for
17 ~~not~~ nor more than five years and, in addition, may be sentenced to pay a fine of not
18 more than five thousand dollars.

19 (2) Any person who violates this Subsection with respect to phencyclidine
20 shall be imprisoned, with or without hard labor, for not less than five years nor more
21 than twenty years and, in addition, may be sentenced to pay a fine of not more than
22 five thousand dollars, or both.

23 (2)(3) Any person who violates this Subsection as to any other controlled
24 dangerous substance shall be imprisoned₂ with or without hard labor₂ for not more
25 than five years and, in addition, may be sentenced to pay a fine of not more than five
26 thousand dollars.

27 * * *

28 Section 2. R.S. 40:966(C)(3) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 78 Original

2017 Regular Session

Dwight

Abstract: Relocates the penalty provisions for possession of phencyclidine, a Schedule II Controlled Dangerous Substance.

Present law classified phencyclidine as a Schedule II controlled dangerous substance. Present law provides for penalties for the possession of phencyclidine including imprisonment, with or without hard labor, for five to 20 years, a fine of not more than \$5,000, or both, but these penalty provisions are included in the statutory scheme for Schedule I provisions.

Proposed law moves the present law penalties for possession of phencyclidine to the present law penalties of controlled dangerous substances classified in Schedule II.

(Amends R.S. 40:966(C)(2) and 967(C); Repeals R.S. 40:966(C)(3))