
DIGEST

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HB 769 Original

2018 Regular Session

Havard

Abstract: Increases penalties for the crime which prohibits persons from introducing, possessing, or sending contraband into or from a penal institution, and adds the offense to the definition of "racketeering activity".

Present law (R.S. 14:402) prohibits persons from introducing, possessing, or sending contraband into or from any state correctional institution or municipal or parish jail. Further provides that whoever violates these provisions shall be fined not less than \$250 and not more than \$2,000, and shall be imprisoned with or without hard labor for not more than five years.

Proposed law amends these present law penalties to provide that whoever violates the provisions of this present law shall be fined not less than \$500 and not more than \$10,000, and shall be imprisoned with or without hard labor for not less than five years and not more than ten years. Further provides that if the offender of present law is incarcerated in the state correctional institution or the municipal or parish prison or jail in which the contraband is introduced or possessed or sent from, the sentence imposed shall be served consecutively to the sentence the person was serving at the time of the offense.

Present law (R.S. 15:1352) defines "racketeering activity" by enumerating various crimes which can be prosecuted as a pattern of racketeering activity if at least two incidents of the crimes occur.

Present law (R.S. 15:1354 and 1356) provides for increased criminal penalties for convictions of racketeering and also provides for seizure of the property used in or derived from the racketeering activity.

Proposed law retains present law and adds to the list of offenses included in the definition of "racketeering activity" the introducing, possessing, or sending contraband into or from any state correctional institution or municipal or parish jail.

(Amends R.S. 14:402(G); Adds R.S. 15:1352(A)(66))