

CONFERENCE COMMITTEE REPORT

HB 165

2018 Regular Session

Mack

May 16, 2018

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 165 by Representative Mack, recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendment No. 1 by the Senate Committee on Judiciary C (#3068) be rejected.

Respectfully submitted,

\_\_\_\_\_  
Representative Sherman Mack

\_\_\_\_\_  
Senator Dan Claitor

\_\_\_\_\_  
Representative Lowell C. Hazel

\_\_\_\_\_  
Senator Jay Luneau

\_\_\_\_\_  
Representative Valarie Hodges

\_\_\_\_\_  
Senator Daniel "Danny" Martiny

**CONFERENCE COMMITTEE REPORT DIGEST**

**HB 165**

**2018 Regular Session**

**Mack**

**Keyword and onliner of the instrument as it left the House**

DRUGS/CONTROLLED: Provides relative to the Uniform Controlled Dangerous Substances Law

**Report rejects Senate amendments which would have:**

1. Removed the proposed law definition of "aggregate" and provided for a definition of "aggregate weight", which would have excluded any packaging from the gross weight of an exhibit of evidence.

**Digest of the bill as proposed by the Conference Committee**

Present law provides for the Uniform Controlled Dangerous Substances Law which imposes criminal penalties upon any person who manufactures, produces, distributes, possesses with the intent to distribute, or possesses a controlled dangerous substance or who engages in other unlawful acts set forth in present law relative to controlled dangerous substances.

Imposition of certain penalties in present law depend upon the aggregate weight of the substance involved.

Proposed law retains present law but adds a definition of the term "aggregate" to mean the gross weight of an exhibit of evidence.

Present law classifies fentanyl as a Schedule II substance in the Uniform Controlled Dangerous Substances Law but provides for criminal penalties as follows in the penalty provisions involving Schedule I substances:

- (1) Manufacture or distribution of fentanyl, or a mixture or substance including fentanyl - penalties include imprisonment at hard labor for five to forty years, and may include a fine not to exceed \$50,000.
- (2) Possession of fentanyl or a mixture or substance containing fentanyl - penalties are as follows:
  - (a) An aggregate weight of less than two grams - imprisonment, with or without hard labor, for not less than two years nor more than four years.
  - (b) An aggregate weight of two grams or more but less than twenty-eight grams - imprisonment, with or without hard labor, for not less than two years nor more than ten years and may include a fine of not more than \$5,000.

Proposed law retains the present law classification of fentanyl as a Schedule II substance and retains the present law criminal penalties, but relocates those penalties to the penalty provisions in Schedule II. Proposed law further applies these present law penalties to violations involving the substance carfentanil.

Present law authorizes substance abuse treatment and probation in certain cases of possession or possession with intent to distribute heroin or fentanyl. Requires a contradictory hearing to determine the presence of a substance abuse disorder, and provides for the revocation of probation or other sanctions for the failure to complete treatment or other conditions of probation.

Proposed law retains present law but relocates these provisions applicable to fentanyl to the penalty provisions in Schedule II, and makes the present law treatment provisions applicable to carfentanil as well.

(Amends R.S. 40:966(B)(3), (C)(4)(intro. para.), and (G)(1) and 967(B)(1)(intro. para.); Adds R.S. 40:961(3.1) and 967(B)(4), (C)(4), and (E))