
DIGEST

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HB 844 Original

2022 Regular Session

Adams

Abstract: Increases the minimum term of imprisonment for distribution or possession with intent to distribute heroin and fentanyl and carfentanil, and provides relative to the penalty for a defendant who provides substantial assistance.

Present law (R.S. 40:966(B)(3) and 967(B)(4)) provides that any person who distributes or possesses with intent to distribute a mixture or substance containing a detectable amount of heroin or its analogues and fentanyl or its analogues and carfentanil or its analogues, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than 40 years and may, in addition, be required to pay a fine of not more than \$50,000.

Proposed law increases the minimum term of imprisonment from five years to 10 years.

Proposed law further provides that in the event the state determines the defendant has provided substantial assistance to the state or a law enforcement agency in connection with the investigation or enforcement of the provisions of present law or the provisions of the Controlled Substances Act of 1970 (21 U.S.C. 801 et seq.), the state or district attorney may, prior to imposition of sentence, file in the court record of the proceeding a Notice of Providing Substantial Assistance or a motion stating that the defendant has provided substantial assistance. If the court determines the defendant has provided substantial assistance, the court may impose a sentence of imprisonment at hard labor for not less than five years nor more than 20 years, and in addition may require the defendant to pay a fine of not more than \$20,000.

Present law authorizes the court to suspend any sentence imposed upon a defendant and place the defendant on probation upon conviction of possession with intent to distribute heroin or possession of heroin, possession with intent to distribute fentanyl or carfentanil, or possession of fentanyl or carfentanil.

Proposed law removes the authority of the court to suspend any sentence imposed upon a defendant and place the defendant on probation upon conviction of possession with intent to distribute heroin and possession with intent to distribute fentanyl or carfentanil.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:966(B)(3) and (G) and 967(B)(4) and (E)(1))