

SENATE FLOOR AMENDMENTS

2022 Regular Session

Amendments proposed by Senator Womack to Engrossed Senate Bill No. 315 by Senator Womack

1 AMENDMENT NO. 1

2 On page 1, line 2, after "to enact" insert "R.S. 14:2(B)(8) and"

3
4 AMENDMENT NO. 2

5 On page 2, between lines 6 and 7, insert the following:

6 **"(c) If the offender unlawfully distributes or dispenses fentanyl or a**
7 **mixture or substance containing a detectable amount of fentanyl or its**
8 **analogues, or carfentanil or a mixture or substance containing a detectable**
9 **amount of carfentanil or its analogues, which is the direct cause of serious**
10 **bodily injury, as defined in R.S. 14:2(C), to the person who ingested or**
11 **consumed the substance, the offense shall be classified as a crime of violence and**
12 **the offender may be subject to the following enhanced penalties:**

13 **(i) An additional five years at hard labor may be added to the term of**
14 **imprisonment imposed by the court pursuant to Paragraph (B)(4) of this**
15 **Section. However, the total sentence imposed, including the enhancement, shall**
16 **not exceed forty-five years.**

17 **(ii) An additional fine of not more than fifty thousand dollars, or an**
18 **additional fine in the amount of the full street value of the controlled or**
19 **counterfeit substance or controlled substances analogue, whichever is greater.**
20 **However, the total fine imposed, including the enhancement, shall not exceed**
21 **one hundred thousand dollars."**

22 AMENDMENT NO. 3

23 On page 2, line 10, after "**substance,**" insert "**in addition to the penalties provided in**
24 **Paragraph (B)(4) of this Section,**"

25 AMENDMENT NO. 4

26 On page 2, delete lines 11 through 18 and insert the following:

27 **"(1) An additional five years at hard labor may be added to the term of**
28 **imprisonment imposed by the court pursuant to Paragraph (B)(4) of this**
29 **Section. However, the total sentence imposed, including the enhancement, shall**
30 **not exceed forty-five years.**

31 **(2) An additional fine of not more than fifty thousand dollars, or an**
32 **additional fine in the amount of the full street value of the controlled or**
33 **counterfeit substance or controlled substances analogue, whichever is greater.**
34 **However, the total fine imposed, including the enhancement, shall not exceed**
35 **one hundred thousand dollars."**

36 AMENDMENT NO. 5

37 On page 2, after line 25, insert the following:

38 "Section 2. R.S. 14:2(B)(8) is hereby enacted to read as follows:

39 §2. Definitions

40 * * *

41 B. In this Code, "crime of violence" means an offense that has, as an element,
42 the use, attempted use, or threatened use of physical force against the person or
43 property of another, and that, by its very nature, involves a substantial risk that

1 physical force against the person or property of another may be used in the course
2 of committing the offense or an offense that involves the possession or use of a
3 dangerous weapon. The following enumerated offenses and attempts to commit any
4 of them are included as "crimes of violence":

5 * * *

6 **(8) Distribution of fentanyl or carfentanil punishable under R.S.**
7 **40:967(B)(4)(c).**

8 * * *"