

SENATE BILL NO. 315

BY SENATORS WOMACK, ABRAHAM, BERNARD, BOUIE, CATHEY, CONNICK, CORTEZ, FESI, FOIL, JACKSON, LAMBERT, MCMATH, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, SMITH, STINE, TALBOT, TARVER AND WHITE AND REPRESENTATIVES ADAMS, BACALA, BRYANT, BUTLER, CARRIER, CORMIER, COUSSAN, DESHOTEL, DEVILLIER, ECHOLS, EDMONDS, EDMONSTON, FIRMENT, GADBERRY, GAROFALO, HARRIS, ILLG, LARVADAIN, ORGERON, PRESSLY, ROMERO, SCHLEGEL, SELDERS, STEFANSKI, THOMPSON, VILLIO AND WHEAT

1 AN ACT

2 To amend and reenact R.S. 40:966(B)(3) and 967(B)(4) and to enact R.S. 14:2(B)(8) and
3 (29), relative to the Uniform Controlled Dangerous Substances Law; to provide
4 relative to penalties for the distribution of heroin and fentanyl or carfentanil; to
5 provide for penalties when the distribution causes serious bodily injury; to add the
6 offenses of distribution of heroin and distribution of fentanyl or carfentanil which is
7 the direct cause of serious bodily injury to the list of crimes of violence; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:966(B)(3) and 967(B)(4) are hereby amended and reenacted to
11 read as follows:

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

14 * * *

15 B. Violations of Subsection A. Any person who violates Subsection A of this
16 Section with respect to:

17 * * *

18 (3)(a) A substance classified in Schedule I that is the narcotic drug heroin or
19 a mixture or substance containing a detectable amount of heroin or its analogues,
20 upon conviction for any amount, shall be imprisoned at hard labor for not less than
21 five years nor more than forty years and may, in addition, be required to pay a fine
22 of not more than fifty thousand dollars.

23 (b)(i) If the offender unlawfully distributes or dispenses heroin or a

1 mixture or substance containing a detectable amount of heroin or its analogues,
 2 which is the direct cause of serious bodily injury to the person who ingested or
 3 consumed the substance, the offense shall be classified as a crime of violence,
 4 and the offender shall be imprisoned at hard labor for not less than five years
 5 nor more than forty years. At least five years of the sentence of imprisonment
 6 shall be imposed without benefit of probation, parole, or suspension of sentence.
 7 In addition, the offender may be required to pay a fine of not more than fifty
 8 thousand dollars.

9 (ii) For purposes of this Subparagraph, "serious bodily injury" shall
 10 have the same meaning as provided by R.S. 14:2(C).

11 * * *

12 §967. Prohibited acts - Schedule II, penalties

13 * * *

14 B. Violations of Subsection A. Any person who violates Subsection A of this
 15 Section with respect to:

16 * * *

17 (4)(a) Fentanyl or a mixture or substance containing a detectable amount of
 18 fentanyl or its analogues, or carfentanil or a mixture or substance containing a
 19 detectable amount of carfentanil or its analogues, upon conviction for any amount,
 20 shall be imprisoned at hard labor for not less than five years nor more than forty
 21 years and may, in addition, be required to pay a fine of not more than fifty thousand
 22 dollars.

23 (b)(i) If the offender unlawfully distributes or dispenses fentanyl or a
 24 mixture or substance containing a detectable amount of fentanyl or its
 25 analogues, or carfentanil or a mixture or substance containing a detectable
 26 amount of carfentanil or its analogues, which is the direct cause of serious
 27 bodily injury to the person who ingested or consumed the substance, the offense
 28 shall be classified as a crime of violence, and the offender shall be imprisoned
 29 at hard labor for not less than five years nor more than forty years. At least five
 30 years of the sentence of imprisonment shall be imposed without benefit of

1 probation, parole, or suspension of sentence. In addition, the offender may be
2 required to pay a fine of not more than fifty thousand dollars.

3 (ii) For purposes of this Subparagraph, "serious bodily injury" shall
4 have the same meaning as provided by R.S. 14:2(C).

5 (iii) This Subsection shall be known and may be cited as "Millie's Law".

6 * * *

7 Section 2. R.S. 14:2(B)(8) and (29) are hereby enacted to read as follows:

8 §2. Definitions

9 * * *

10 B. In this Code, "crime of violence" means an offense that has, as an element,
11 the use, attempted use, or threatened use of physical force against the person or
12 property of another, and that, by its very nature, involves a substantial risk that
13 physical force against the person or property of another may be used in the course
14 of committing the offense or an offense that involves the possession or use of a
15 dangerous weapon. The following enumerated offenses and attempts to commit any
16 of them are included as "crimes of violence":

17 * * *

18 (8) Distribution of fentanyl or carfentanil punishable under R.S.
19 40:967(B)(4)(c).

20 * * *

21 (29) Distribution of heroin punishable under R.S. 40:966(B)(3)(b).

22 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____