

2023 Regular Session

SENATE BILL NO. 49

BY SENATORS HEWITT, ABRAHAM, KLEINPETER, MIZELL AND WHITE AND REPRESENTATIVE VILLIO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Increases penalties for the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of certain controlled dangerous substances. (8/1/23)

1 AN ACT

2 To amend and reenact R.S. 40:983(C) and (D), relative to penalties for the creation or

3 operation of a clandestine laboratory; to provide relative to the creation or operation

4 of a clandestine laboratory which manufactures fentanyl; to provide relative to the

5 creation or operation of a clandestine laboratory which manufactures carfentanil; to

6 provide for penalties; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:983(C) and (D) are hereby amended and reenacted to read as

9 follows:

10 §983. Creation or operation of a clandestine laboratory for the unlawful manufacture

11 of a controlled dangerous substance; definition; penalties

12 * * *

13 C. (1) Except as provided in Paragraph (2) of this Subsection, whoever

14 ~~Whoever~~ commits the crime of creation or operation of a clandestine laboratory for

15 the unlawful manufacture of a controlled dangerous substance shall be sentenced to

16 imprisonment at hard labor for not less than five years nor more than fifteen years;

17 and may, in addition, be sentenced to pay a fine of not more than twenty-five

1 thousand dollars.

2 **(2) Whoever commits the crime of creation or operation of a clandestine**
3 **laboratory for the unlawful manufacture of fentanyl or a mixture or substance**
4 **containing a detectable amount of fentanyl or its analogues, or carfentanil or a**
5 **mixture or substance containing a detectable amount of carfentanil or its**
6 **analogues, shall be sentenced as follows:**

7 **(a) On a first conviction, imprisonment at hard labor for not less than**
8 **ten years nor more than forty years, at least ten years of which shall be served**
9 **without benefit of parole, probation, or suspension of sentence and may, in**
10 **addition, be required to pay a fine of not more than fifty thousand dollars.**

11 **(b) On a second conviction, imprisonment at hard labor for not less than**
12 **thirty years nor more than forty years, at least ten years of which shall be**
13 **served without benefit of parole, probation, or suspension of sentence and may,**
14 **in addition, be required to pay a fine of not more than five hundred thousand**
15 **dollars.**

16 **(c) On a third or subsequent conviction, imprisonment at hard labor for**
17 **not less than ninety-nine years, which shall be served without benefit of parole,**
18 **probation, or suspension of sentence and may, in addition, be required to pay**
19 **a fine of not more than five hundred thousand dollars.**

20 D. In addition to the ~~penalties~~ ~~penalty~~ provided in Subsection C of this
21 Section, a person convicted under the provisions of this Section may be ordered to
22 make restitution for the actual governmental cost incurred in the cleanup of any
23 hazardous waste resulting from the operation of a laboratory for the unlawful
24 manufacture of a controlled dangerous substance. The court may order that such
25 amount be paid directly to the governmental agency or agencies that actually
26 incurred the cleanup expense.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST

SB 49 Engrossed

2023 Regular Session

Hewitt

Present law provides that whoever commits the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance is to be sentenced to imprisonment at hard labor for five to 15 years and in addition may be fined up to \$25,000.

Proposed law provides increased penalties for the creation or operation of a clandestine laboratory for the unlawful manufacture of a substance containing fentanyl or carfentanil.

Proposed law provides that on a first conviction, the defendant will be imprisoned for not less than 10 nor more than 40 years, at least 10 years to be served without benefit of parole, probation, or suspension of sentence, and in addition may be fined not more than \$50,000.

Proposed law provides that on a second conviction, the defendant will be imprisoned for not less than 30 nor more than 40 years, at least 10 years to be served without benefit of parole, probation, or suspension of sentence, and in addition may be fined of not more than \$500,000.

Proposed law provides that on a third or subsequent conviction, the defendant will be imprisoned for not less than 99 years, to be served without benefit of parole, probation, or suspension of sentence, and in addition may be fined not more than \$500,000.

Present law provides that persons convicted under present law may be ordered to make restitution for the actual government cost incurred in the cleanup of any hazardous waste resulting from the operation of a laboratory for the unlawful manufacture of a controlled dangerous substances. Present law further provides that the court may order that this amount be paid directly to the governmental agency that actually incurred the cleanup expense.

Proposed law retains present law.

Effective August 1, 2023.

(Amends R.S. 40:983(C) and (D))