

Regular Session, 2014

SENATE BILL NO. 187

BY SENATOR KOSTELKA

CRIME/PUNISHMENT. Allows enhanced sentencing for drug offenses committed in a private residence located in a drug free zone. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:981.3(D) and to repeal R.S. 40:981.3(E), relative to  
3 controlled dangerous substances; to allow enhanced sentencing for violations of the  
4 Uniform Controlled Dangerous Substances Law occurring within a private residence  
5 located in a drug free zone; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:981.3(D) is hereby amended and reenacted to read as follows:

8 §981.3. Violation of Uniform Controlled Dangerous Substances Law; drug free zone

9 \* \* \*

10 ~~D. A violation of this Section within two thousand feet of school property,~~  
11 ~~a drug treatment facility, religious building property, public housing authority~~  
12 ~~property, or child day care facility property shall not include an act which occurs~~  
13 ~~entirely within a private residence wherein no person seventeen years of age or under~~  
14 ~~was present.~~

15 E: (1) Whoever violates a provision of this Section shall be punished by the  
16 imposition of the maximum fine and be imprisoned for not more than one and one-  
17 half times the longest term of imprisonment authorized by the applicable provisions

1 of R.S. 40:966 through 970.

2 (2) A sentence imposed for a violation of the provisions of this Section shall  
3 not be subject to parole, probation, or suspension of sentence to the extent that the  
4 minimum sentence for a violation of a felony provision of R.S. 40:966 through 970  
5 is not subject to parole, probation, or suspension of sentence.

6 Section 2. R.S. 40:981.3(E) is hereby repealed in its entirety.

7 Section 3. This Act shall become effective upon signature by the governor or, if not  
8 signed by the governor, upon expiration of the time for bills to become law without signature  
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
11 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alden A. Clement, Jr.

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#### DIGEST

Kostelka (SB 187)

Present law provides enhanced sentencing for certain violations of present law (Uniform Controlled Dangerous Substances Law) that occur in drug free zones provided for by present law.

Proposed law retains present law.

Present law provides that enhanced sentencing provisions of present law do not apply to violations that occur entirely within a private residence when no person 17 years of age or under was present.

Proposed law repeals present law so as to allow enhanced sentencing for violations of the Uniform Controlled Dangerous Substances Law that occur within a private residence that is located in a drug free zone.

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

(Amends R.S. 40:981.3(D); repeals R.S. 40:981.3(E))