

2018 Regular Session

HOUSE BILL NO. 136

BY REPRESENTATIVE FOIL

CONTROLLED SUBSTANCES: Increases penalties for the manufacture, production, distribution, or possession with intent to distribute heroin

1 AN ACT

2 To amend and reenact R.S. 40:966(B)(3), relative to the Uniform Controlled Dangerous
3 Substances Law; to increase penalties for the manufacture, production, distribution,
4 or possession with intent to distribute heroin; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:966(B)(3) is hereby amended and reenacted to read as follows:

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

10 * * *

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

13 * * *

14 (3) A substance classified in Schedule I that is the narcotic drug heroin or a
15 mixture or substance containing a detectable amount of heroin or of its analogues or
16 a mixture or substance containing a detectable amount of heroin or its analogues, or
17 fentanyl or a mixture of substances containing a detectable amount of fentanyl or its
18 analogues, upon conviction for any amount, shall be imprisoned at hard labor for not

1 less than ~~five~~ twenty years nor more than forty years and may, in addition,
2 be required to pay a fine of not more than fifty thousand dollars.

3 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 136 Original

2018 Regular Session

Foil

Abstract: Increases penalties for the manufacture, production, distribution, or possession with intent to distribute heroin from a minimum of five years to a minimum of 20 years.

Present law prohibits any person from producing, manufacturing, distributing or dispensing or possessing with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance or controlled substance analogue classified in Schedule I, including heroin.

Present law provides that any person who violates this provision of present law with respect to heroin shall be imprisoned at hard labor for not less than five nor more than 40 years and may be required to pay a fine of up to \$50,000.

Proposed law amends present law to increase the minimum term of imprisonment for persons who violate these provisions of present law with respect to heroin from not less than five years to not less than 20 years.

(Amends R.S. 40:966(B)(3))