

2018 Regular Session

HOUSE BILL NO. 186

BY REPRESENTATIVES MARINO AND BACALA

DRUGS/CONTROLLED: Provides relative to the attempt or conspiracy to commit violations of the Uniform Controlled Dangerous Substances Law

1 AN ACT

2 To amend and reenact R.S. 40:979, relative to the attempt or conspiracy to commit
3 violations of the Uniform Controlled Dangerous Substances Law; to provide relative
4 to the penalties imposed for the attempt or conspiracy to distribute or possess with
5 intent to distribute certain Schedule I controlled dangerous substances; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:979 is hereby amended and reenacted to read as follows:

9 §979. Attempt and conspiracy

10 ~~A. Except as otherwise provided herein, any~~ Any person who attempts or
11 conspires to commit any offense ~~denounced and/or made unlawful by~~ set forth in the
12 provisions of this Part shall, upon conviction, be fined or imprisoned in the same
13 manner as for the offense planned or attempted, but such fine or imprisonment shall
14 not exceed one-half of the longest term of imprisonment prescribed for the offense,
15 the commission of which was the object of the attempt or conspiracy.

16 ~~B. Any person who attempts or conspires to distribute or possess with intent~~
17 ~~to distribute any substance classified in Schedule I, as provided for in R.S. 40:963~~
18 ~~and R.S. 40:964, which is a narcotic drug (all substances in Schedule I preceded by~~
19 ~~an asterisk "*") shall, upon conviction, be imprisoned at hard labor for not less than~~
20 ~~eight nor more than fifty years without benefit of parole, probation or suspension of~~

1 ~~sentence and may, in addition, be required to pay a fine of not more than ten~~
2 ~~thousand dollars.~~

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 186 Engrossed

2018 Regular Session

Marino

Abstract: Provides relative to the penalties imposed upon persons who attempt or conspire to distribute or possess with the intent to distribute a Schedule I controlled dangerous substance that is a narcotic drug.

Present law provides for the Uniform Controlled Dangerous Substances Law which imposes criminal penalties upon any person who manufactures, produces, distributes, possesses with the intent to distribute, or possesses a controlled dangerous substance or who engages in other unlawful acts set forth in present law relative to controlled dangerous substances.

Present law further provides for the following penalties for the attempt or conspiracy to commit any offense set forth in the Uniform Controlled Dangerous Substances Law:

- (1) Except as provided in Paragraph (2) below, the person shall be fined or imprisoned in the same manner as for the offense planned or attempted, but such fine or imprisonment shall not exceed $\frac{1}{2}$ the longest term of imprisonment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.
- (2) If the person attempts or conspires to distribute or possess with the intent to distribute a Schedule I controlled dangerous substance that is a narcotic drug, the person shall be imprisoned at hard labor for not less than eight nor more than 50 years without benefit of parole, probation or suspension of sentence and may, in addition, be required to pay a fine of not more than \$10,000.

Proposed law removes the present law penalty provisions relative to persons who attempt or conspire to distribute or to possess with the intent to distribute a Schedule I controlled dangerous substance that is a narcotic drug. Such persons shall be subject to the present law penalties set forth in Paragraph (1) above, which is retained by proposed law.

(Amends R.S. 40:979)