

2018 Regular Session

HOUSE BILL NO. 769

BY REPRESENTATIVE HAVARD

CORRECTIONAL FACILITIES: Increases penalties for the crime of introducing, possessing, or sending contraband into or from a penal institution

1 AN ACT

2 To amend and reenact R.S. 14:402(G) and to enact R.S. 15:1352(A)(66), relative to
3 contraband at penal institutions; to increase penalties for the crime which prohibits
4 persons from introducing, possessing, or sending contraband into or from any state
5 correctional institution or municipal or parish jail; to provide relative to the sentence
6 imposed upon an offender who is incarcerated at the time of the offense; to provide
7 relative to racketeering activity; to add the crime which prohibits persons from
8 introducing, possessing, or sending contraband into or from any state correctional
9 institution or municipal or parish jail to the definition of "racketeering activity"; and
10 to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 14:402(G) is hereby amended and reenacted to read as follows:

13 §402. Contraband defined; certain activities regarding contraband in penal
14 institutions prohibited; penalty; disposition of seized contraband

15 * * *

16 G.(1) Whoever violates any provision of this Section shall be fined not less
17 than ~~two hundred fifty~~ five hundred dollars and not more than ~~two~~ ten thousand
18 dollars and shall be imprisoned with or without hard labor for not ~~more~~ less than five
19 years and not more than ten years. Notwithstanding any other law to the contrary,
20 whoever introduces contraband as defined in Paragraph (D)(1) of this Section, upon

1 the grounds of any state correctional institution, or Paragraph (E)(5) of this Section,
2 upon the grounds of any municipal or parish prison or jail, shall be punished in
3 accordance with the penalties for the distribution of the controlled dangerous
4 substance provided in R.S. 40:961 et seq.

5 (2) If the person who violates any provision of this Section is incarcerated
6 in the state correctional institution or the municipal or parish prison or jail in which
7 the contraband is introduced or possessed or sent from, the sentence imposed
8 pursuant to Paragraph (1) of this Subsection shall be served consecutively to the
9 sentence the person was serving at the time the violation of this Section occurred.

10 (3) Any fine collected under the provisions of this Subsection shall be placed
11 in a fund located within the division of probation and parole to be used solely for the
12 purchase of reentry services provided to offenders by the division of probation and
13 parole.

14 Section 2. R.S. 15:1352(A)(66) is hereby enacted to read as follows:

15 §1352. Definitions

16 A. As used in this Chapter, "racketeering activity" means committing,
17 attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating
18 another person to commit any crime that is punishable under the following
19 provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform
20 Controlled Dangerous Substances Law, or the Louisiana Securities Law:

21 * * *

22 (66) R.S. 14:402 (Certain activities regarding contraband in penal institutions
23 prohibited)

24 * * *

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 769 Original

2018 Regular Session

Havard

Abstract: Increases penalties for the crime which prohibits persons from introducing, possessing, or sending contraband into or from a penal institution, and adds the offense to the definition of "racketeering activity".

Present law (R.S. 14:402) prohibits persons from introducing, possessing, or sending contraband into or from any state correctional institution or municipal or parish jail. Further provides that whoever violates these provisions shall be fined not less than \$250 and not more than \$2,000, and shall be imprisoned with or without hard labor for not more than five years.

Proposed law amends these present law penalties to provide that whoever violates the provisions of this present law shall be fined not less than \$500 and not more than \$10,000, and shall be imprisoned with or without hard labor for not less than five years and not more than ten years. Further provides that if the offender of present law is incarcerated in the state correctional institution or the municipal or parish prison or jail in which the contraband is introduced or possessed or sent from, the sentence imposed shall be served consecutively to the sentence the person was serving at the time of the offense.

Present law (R.S. 15:1352) defines "racketeering activity" by enumerating various crimes which can be prosecuted as a pattern of racketeering activity if at least two incidents of the crimes occur.

Present law (R.S. 15:1354 and 1356) provides for increased criminal penalties for convictions of racketeering and also provides for seizure of the property used in or derived from the racketeering activity.

Proposed law retains present law and adds to the list of offenses included in the definition of "racketeering activity" the introducing, possessing, or sending contraband into or from any state correctional institution or municipal or parish jail.

(Amends R.S. 14:402(G); Adds R.S. 15:1352(A)(66))