

2018 Regular Session

HOUSE BILL NO. 769

BY REPRESENTATIVE HAVARD

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 than ~~five~~ ten
19 years. Notwithstanding any other law to the contrary, whoever introduces
20 contraband as defined in Paragraph (D)(1) of this Section, upon the grounds of any
21 state correctional institution, or Paragraph (E)(5) of this Section, upon the grounds
22 of any municipal or parish prison or jail, shall be punished in accordance with the

1 penalties for the distribution of the controlled dangerous substance provided in R.S.
2 40:961 et seq.

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

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

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

13 §1352. Definitions

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

19 * * *

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

22 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____