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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

SB 73 Original

2020 Regular Session

Mizell

Present law creates the crime of aggravated distribution of a controlled dangerous substance, which is the distribution or dispensing of a controlled dangerous substance, or any combination thereof, as provided in present law (Uniform Controlled Dangerous Substances Law) under any of the following circumstances:

- (1) The offender unlawfully distributes or dispenses a controlled dangerous substance that is the direct cause of serious bodily injury to the recipient who ingested or consumed the controlled dangerous substance.
- (2) The offender unlawfully distributes or dispenses a controlled dangerous substance to another who subsequently distributes or dispenses such controlled dangerous substance that is the direct cause of serious bodily injury to the recipient who ingested or consumed the controlled dangerous substance.
- (3) The offender unlawfully distributes or dispenses a controlled dangerous substance that the offender knows or should have known has been laced with fentanyl, carfentanil, or any other foreign substance that substantially increases the likelihood of death or serious bodily injury from use.

Proposed law provides that whoever commits the crime of aggravated distribution of a controlled dangerous substance is to be imprisoned at hard labor for between five and 40 years, at least two years of which must be imposed without benefit of probation, parole, or suspension of sentence. Proposed law further provides that in addition to imprisonment, the offender may be fined up to \$50,000.

Proposed law provides that for purposes of the crime of aggravated distribution of a controlled dangerous substance, the term "serious bodily injury" means bodily injury that involves unconsciousness, extreme physical pain, protracted and obvious disfigurement, protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death. Proposed law further provides that "serious bodily injury" includes any injury that requires the administration of naloxone or other opioid antagonist, or requires emergency medical services.

Present law defines a "crime of violence" for purposes of present law.

Proposed law retains present law and adds that the crime of aggravated distribution of a controlled dangerous substance is a crime of violence.

Present law provides relative to responsive verdicts in criminal trials.

Proposed law retains present law and adds that the only responsive verdicts that may be rendered when the indictment charges aggravated distribution of a controlled dangerous substance are:

- (1) Guilty of attempted aggravated distribution of a controlled dangerous substance.
- (2) Guilty of distribution of a controlled dangerous substance.
- (3) Guilty of attempted distribution of a controlled dangerous substance.
- (4) Guilty of possession of a controlled dangerous substance.
- (5) Guilty of attempted possession of a controlled dangerous substance.
- (6) Not guilty.

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

(Adds C.Cr.P. Art. 814(A)(69), R.S. 14:2(B)(56), and R.S. 40:981.4)