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## DIGEST

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HB 626 Original

2022 Regular Session

Adams

**Abstract:** Creates the crime of aggravated distribution of a controlled dangerous substance and provides for penalties.

Proposed law creates the crime of aggravated distribution of a controlled dangerous substance and defines the crime as the distribution or dispensing of a controlled dangerous substance, or any combination thereof, under any of the following circumstances:

- (1) The offender unlawfully distributes or dispenses a controlled dangerous substance, as defined in proposed law, 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, as defined in proposed law, 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 proposed law crime as provided in (1) and (2) above shall be imprisoned at hard labor for not more than 20 years and in addition may be fined not more than \$50,000.

Proposed law provides that whoever commits the proposed law crime as provided in (3) above shall be imprisoned at hard labor for not less than five years nor more than 40 years and may be fined not more than \$50,000.

Proposed law applies to the following controlled dangerous substances:

- (1) Heroin or a mixture or substance containing a detectable amount of heroin or its analogues.
- (2) Fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues.

- (3) Carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues.

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.

(Adds R.S. 40:981.4 and C.Cr.P. Art. 814(A)(69))