

## DIGEST

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SB 315 Reengrossed

2022 Regular Session

Womack

Present law (R.S. 40:966(B)(3)) provides that any person who produces, manufactures, distributes, or dispenses or possesses with the intent to produce, manufacture, distribute, or dispense heroin, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than 40 years and may, in addition, be required to pay a fine of not more than \$50,000.

Proposed law provides that if the offender unlawfully distributes or dispenses heroin which is the direct cause of serious bodily injury to the person who ingested or consumed the substance, the offense shall be classified as a crime of violence, and the offender shall be imprisoned at hard labor for not less than five years nor more than 40 years. At least five years of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence. In addition, the offender may be required to pay a fine of not more than \$50,000.

Present law (R.S. 40:967(B)(4)) provides that any person who produces, manufactures, distributes, or dispenses or possesses with the intent to produce, manufacture, distribute, or dispense fentanyl or carfentanil, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than 40 years and may, in addition, be required to pay a fine of not more than \$50,000.

Proposed law provides that if the offender unlawfully distributes or dispenses fentanyl or carfentanil which is the direct cause of serious bodily injury to the person who ingested or consumed the substance, the offense shall be classified as a crime of violence, and the offender shall be imprisoned at hard labor for not less than five years nor more than 40 years. At least five years of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence. In addition, the offender may be required to pay a fine of not more than \$50,000.

Proposed law shall be cited and referred to as "Millie's Law".

Present law provides for a list of certain enumerated present law offenses that are included as crimes of violence.

Proposed law retains present law and adds the distribution of fentanyl or carfentanil which cause serious bodily injury and the distribution of heroin which cause serious bodily injury to the offenses included as a crime of violence.

Effective August 1, 2022.

(Amends R.S. 40:966(B)(3) and 967(B)(4); Adds R.S. 14:2(B)(8) and (29))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Name proposed law relative to knowing misrepresentation "Millie's Law".
2. Add exception for rapid fentanyl test strips to proposed law.
3. Change the additional penalty for an individual who knowingly misrepresents or knowingly markets a mixture of substance containing fentanyl from three years to five years.

4. Increase the maximum possible penalty from three years to five years.

Senate Floor Amendments to engrossed bill

1. Adds distribution and dispensing fentanyl or carfentanil or mixtures thereof as crime of violence with enhanced penalties.
2. Makes technical corrections.
3. Clarifies the enhanced penalties for knowingly misrepresents or knowingly markets a mixture of substance containing fentanyl.
4. Adds the distribution of fentanyl or carfentanil to the list of offenses designated as a crime of violence.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

1. Remove proposed law relative to penalties for an individual who knowingly misrepresented or knowingly marketed a mixture or substance containing fentanyl or fentanyl analogue as another substance.
2. Remove proposed law relative to enhanced penalties for the unlawful distribution or dispensing of fentanyl or carfentanil.
3. Add proposed law relative to the unlawful distribution or dispensing of heroin and fentanyl or carfentanil which is the direct cause of serious bodily injury to the person who ingested or consumed the substance and provides for the following penalties:
  - (a) Imprisonment at hard labor for not less than 5 years nor more than 40 years.
  - (b) At least five years of the imposed sentence shall be served without benefit of probation, parole, or suspension of sentence.
  - (c) Offender may be required to pay a fine of not more than \$50,000.
4. Remove proposed law relative to fentanyl testing equipment.
5. Provide that the distribution of fentanyl or carfentanil which is the direct cause of serious bodily injury may be cited and referred to as "Millie's Law".
6. Add the distribution of heroin which causes serious bodily injury to the present law list of crimes of violence.