HLS 23RS-112 ENGROSSED

2023 Regular Session

HOUSE BILL NO. 90

1

BY REPRESENTATIVES STEFANSKI, EDMONDS, GOUDEAU, HORTON, MCKNIGHT, AND SEABAUGH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DRUGS/CONTROLLED: Provides relative to penalties for distribution or possession with intent to distribute fentanyl or carfentanil

AN ACT

2	To amend and reenact R.S. 40:967(B)(4)(a) and (E)(1), relative to the Uniform Controlled
3	Dangerous Substances Law; to provide relative to penalties for fentanyl or
4	carfentanil; to provide for penalties for an aggregate weight of less than twenty-eight
5	grams; to provide for penalties for an aggregate weight of twenty-eight grams or
6	more; to provide relative to treatment for fentanyl or carfentanil as a condition of
7	probation; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. $40:967(B)(4)(a)$ and $(E)(1)$ are hereby amended and reenacted to read
10	as follows:
11	§967. Prohibited acts - Schedule II; penalties
12	* * *
13	B. Violations of Subsection A. Any person who violates Subsection A of
14	this Section with respect to:
15	* * *
16	(4)(a) Fentanyl or a mixture or substance containing a detectable amount of
17	fentanyl or its analogues, or carfentanil or a mixture or substance containing a
18	detectable amount of carfentanil or its analogues, upon conviction for any an amount,
19	of:

1	(i) An aggregate weight of less than twenty-eight grams, shall be imprisoned
2	at hard labor for not less than five years nor more than forty years and may, in
3	addition, be required to pay a fine of not more than fifty thousand dollars.
4	(ii) An aggregate weight of twenty-eight grams or more, shall be sentenced
5	to life imprisonment at hard labor without benefit of parole, probation, or suspension
6	of sentence, and may, in addition, be required to pay a fine of not more than fifty
7	thousand dollars.
8	* * *
9	E. Treatment for fentanyl or carfentanil addiction as a condition for
10	probation.
11	(1) Upon conviction of Paragraph Item (B)(4)(a)(i), Subparagraph (B)(4)(b)
12	or Paragraph (C)(4) of this Section, possession with intent to distribute fentanyl or
13	carfentanil or possession of fentanyl or carfentanil, the court may suspend any
14	sentence which it imposes and place the defendant on probation pursuant to Article
15	893 of the Code of Criminal Procedure. The court may order the division of
16	probation and parole of the Department of Public Safety and Corrections to conduct
17	a presentence investigation, or may order the defendant to obtain a substance abuse
18	evaluation, for the purpose of determining whether the defendant has a substance
19	abuse disorder.
20	* * *

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 90 Engrossed

2023 Regular Session

Stefanski

Abstract: Provides relative to penalties for distribution of fentanyl or carfentanil of an aggregate weight of less than 28 grams and an aggregate weight of 28 grams or more.

Present law 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.

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.

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<u>Proposed law</u> provides that upon conviction of <u>present law</u> for an aggregate weight of less than 28 grams, the offender 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.

<u>Proposed law</u> further provides that upon conviction of an aggregate weight of 28 grams or more, the offender shall be sentenced to life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

<u>Present law</u> authorizes the court to suspend any sentence imposed upon a defendant and place the defendant on probation upon conviction of possession with intent to distribute fentanyl or carfentanil or possession of fentanyl or carfentanil.

<u>Proposed law</u> retains <u>present law</u> for possession with intent to distribute fentanyl or carfentanil of an aggregate weight of less than 28 grams, distribution which causes serious bodily injury, and possession of fentanyl or carfentanil.

(Amends R.S. 40.967(B)(4)(a) and (E)(1))