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## DIGEST

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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.

Proposed law provides that upon conviction of present law 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.

Proposed law 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.

Present law 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.

Proposed law retains present law 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))