
DIGEST

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HB 735 Original

2024 Regular Session

Kerner

Abstract: Provides relative to penalties for distribution or possession with intent to distribute certain controlled dangerous substances.

Present law (R.S. 40:966) provides for the penalties for distribution or possession with intent to distribute narcotic drugs listed in Schedule I.

Proposed law retains present law generally.

Present law provides that any person who produces, manufactures, distributes, or dispenses, or possesses with the intent to produce, manufacture, distribute, or dispense heroin or a mixture or substance containing a detectable amount of heroin or its analogues, 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 dollars.

Proposed law increases the maximum penalty from 40 years to life imprisonment.

Present law provides that any person who unlawfully distributes or dispenses heroin or a mixture or substance containing a detectable amount of heroin or its analogues, 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.

Proposed law increases the maximum penalty from 40 years to life imprisonment.

Present law (R.S. 40:967) provides for the penalties for distribution or possession with intent to distribute narcotic drugs listed in Schedule II.

Present law provides that any person who produces, manufactures, distributes, or dispenses, or possesses with the intent to produce, manufacture, distribute, or dispense amphetamine or methamphetamine shall be sentenced to imprisonment at hard labor for not less than 10 years nor more than 30 years, at least 10 years of which shall be served without benefit of parole, probation, or suspension of sentence, and in addition may be sentenced to pay a fine of not more than \$500,000.

Proposed law increases the maximum penalty from 30 years to life imprisonment.

Present law provides that any person who produces, manufactures, distributes, or dispenses,

or possesses with the intent to produce, manufacture, distribute, or dispense cocaine or cocaine base or a mixture or substance containing cocaine or its analogues as provided in present law (Schedule II(A)(4) of R.S. 40:964) or oxycodone as provided in present law (Schedule II(A)(1)(p)) of R.S. 40:964) or methadone as provided in present law (Schedule II(B)(15) of R.S. 40:964) shall be sentenced to imprisonment at hard labor for not less than 10 years nor more than 30 years, at least 10 years of which shall be served without benefit of parole, probation, or suspension of sentence, and may be fined not more than \$500,000.

Proposed law removes cocaine or cocaine base or a mixture or substance containing cocaine or its analogues from this provision of present law.

Proposed law provides that any person who produces, manufactures, distributes, or dispenses, or possesses with the intent to produce, manufacture, distribute, or dispense cocaine or cocaine base or a mixture or substance containing cocaine or its analogues as provided in present law (Schedule II(A)(4) of R.S. 40:964) shall be sentenced to imprisonment at hard labor for not less than 10 years nor more than the remainder of his natural life, at least 10 years of which shall be served without benefit of parole, probation, or suspension of sentence, and may be fined not more than \$500,000.

Present law provides for penalties for any person who produces, manufactures, distributes, or dispenses, or possesses with the intent to produce, manufacture, distribute, or dispense fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues.

Proposed law retains present law generally.

Present law provides that if the offender unlawfully distributes or dispenses fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues, 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 an additional period of five years without benefit of probation, parole, or suspension of sentence.

Proposed law changes the penalty to provide for a minimum of five years and a maximum of life imprisonment.

(Amends R.S. 40:966(B)(3)(a) and (b)(i) and 967(B)(2)(a), (3), and (4); Adds R.S. 40:967(B)(5))