

SENATE BILL NO. 226

BY SENATORS N. GAUTREAUX AND NEVERS

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

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 15:574.4(A)(2)(a), and R.S.
3 40:967(B)(1), (4) and (5) and 981.2(C), relative to certain controlled dangerous
4 substances; to increase the penalty for the manufacture, possession or distribution of
5 oxycodone; to authorize offenders to participate in the intensive incarceration
6 program; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The introductory paragraph of R.S. 15:574.4(A)(2)(a) is hereby amended
9 and reenacted to read as follows:

10 §574.4. Parole; eligibility; consideration and hearings; decisions of board; nature,
11 order, and conditions; rules of conduct; offenders convicted of crimes
12 of violence; infectious disease testing

13 A.(1) * * *

14 (2)(a) Notwithstanding the provisions of Paragraph A(1) of this Section, a
15 person, otherwise eligible for parole, convicted of a nonviolent first felony offense
16 and committed to the Department of Public Safety and Corrections, or of a
17 nonviolent second felony offense and committed to the Department of Public Safety
18 and Corrections, may be eligible for intensive parole supervision upon successful
19 completion of intensive incarceration. In addition, any person convicted of a first or
20 second offense for possession of amphetamine or methamphetamine or cocaine **or**
21 **oxycodone** or of a first offense for distribution, dispensing, or possession with intent
22 to produce, manufacture, distribute, or dispense amphetamine or methamphetamine
23 or cocaine **or oxycodone**, in violation of R.S. 40:967(B)(1) or R.S. 40:967(B)(4)(b)
24 when the amount of amphetamine or methamphetamine or cocaine **or oxycodone**

involved was twenty-eight grams or less, may be eligible to participate in the intensive incarceration program. Notwithstanding the provisions of R.S. 40:967(B)(4)(b), a person otherwise eligible for participation in the intensive incarceration program may be eligible for intensive parole supervision upon successful completion of intensive incarceration. The intensive incarceration and intensive parole supervision program shall be established and administered by the department. The offender may be considered for participation in the program if all of the following conditions are met:

* * *

Section 2. R.S. 40:967(B)(1), (4) and (5) and R.S. 40:981.2(C) are hereby amended and reenacted to read as follows:

§967. Prohibited acts--Schedule II, penalties

* * *

B. Penalties for violation of Subsection A. Except as provided in Subsection F, any person who violates Subsection A with respect to:

(1) A substance classified in Schedule II which is an amphetamine or methamphetamine or which is a narcotic drug, except cocaine or cocaine base or a mixture or substance containing cocaine or its analogues as provided in Schedule II(A)(4) of R.S. 40:964 **and except oxycodone as provided in Schedule II(A)(1)(o) of R.S. 40:964** shall be sentenced to a term of imprisonment at hard labor for not less than two years nor more than thirty years; and may, in addition, be sentenced to pay a fine of not more than fifty thousand dollars.

* * *

(4)(a) Production or manufacturing of cocaine or cocaine base or a mixture or substance containing cocaine or its analogues as provided in Schedule II(A)(4) of R.S. 40:964 **or oxycodone as provided in Schedule II(A)(1)(o) of R.S. 40:964** shall be sentenced to imprisonment at hard labor for not less than ten nor more than thirty years, at least ten years of which shall be served without benefit of parole, probation, or suspension of sentence, and may be fined not more than five hundred thousand dollars.

1 (b) Distribution, dispensing, or possession with intent to produce,
 2 manufacture, distribute, or dispense cocaine or cocaine base or a mixture or
 3 substance containing cocaine or its analogues as provided in Schedule II(A)(4) of
 4 R.S. 40:964 **or oxycodone as provided in Schedule II(A)(1)(o) of R.S. 40:964** shall
 5 be sentenced to a term of imprisonment at hard labor for not less than two years nor
 6 more than thirty years, with the first two years of said sentence being without benefit
 7 of parole, probation, or suspension of sentence; and may, in addition, be sentenced
 8 to pay a fine of not more than fifty thousand dollars.

9 (5) Any other controlled dangerous substance classified in Schedule II except
 10 pentazocine, amphetamine, methamphetamine, ~~or cocaine,~~ **or oxycodone** shall be
 11 sentenced to a term of imprisonment at hard labor for not more than ten years, and
 12 in addition may be sentenced to pay a fine of not more than fifteen thousand dollars.

13 * * *

14 §981.2. Soliciting minors to distribute controlled dangerous substances

15 * * *

16 C. Any person eighteen years of age or older who violates the provisions of
 17 this Section by soliciting, procuring, or counseling a person under eighteen years of
 18 age to distribute or to attempt to distribute cocaine **or oxycodone** in violation of R.S.
 19 40:967(A) **or (B)** shall be sentenced to a term of imprisonment at hard labor for not
 20 less than ten nor more than thirty years.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____