
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law defines "contraband" for purposes of present law relative to the introduction of contraband into penal institutions as any controlled dangerous substance as defined in present law or any other drug or substance that if taken internally, whether separately or in combination with another drug or substance, produces or may produce a hypnotic effect. Present law excludes from the definition of "contraband" any drug or substance that has been prescribed by a physician, if the drug or substance is in a container issued by the pharmacy or other place of dispensation, the container identifies the prescription number, prescribing physician, and issuing pharmacist or other person, and the container is not concealed upon the body of the person.

Proposed law retains present law and adds that the introduction by a person of any controlled dangerous substance as defined in present law upon the grounds of any state correctional institution constitutes distribution of that controlled substance and is subject to the penalties provided in present law relative to controlled dangerous substances.

Present law provides that it is unlawful to possess or to introduce or attempt to introduce into or upon the premises of any municipal or parish prison or jail or to take or send or attempt to take or send therefrom, or to give or to attempt to give to an inmate of any municipal or parish prison or jail, any narcotic or hypnotic or excitive drug or any drugs of whatever kind or nature, including nasal inhalators of any variety, sleeping pills or barbiturates of any variety that create or may create a hypnotic effect if taken internally, or any other controlled dangerous substance as defined in present law.

Proposed law retains present law and adds that the introduction by a person of any controlled dangerous substance as defined in present law upon the grounds of any municipal or parish prison or jail constitutes distribution of that controlled dangerous substance and is subject to the penalties provided in present law relative to controlled dangerous substances.

Present law provides that whoever violates any provision of present law relative to contraband in penal institutions is to be fined not less than \$250 nor more than \$2,000 and imprisoned with or without hard labor for not more than five years.

Proposed law retains present law and adds that, notwithstanding any other law to the contrary, whoever introduces the contraband of a controlled dangerous substance, as defined in proposed law, upon the grounds of any state correctional institution, or any municipal or parish prison or jail, is to be punished in accordance with the penalties for the distribution of the controlled dangerous substance provided in present law relative to controlled dangerous substances.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:402(D)(1), (E)(5), and (G))