

Regular Session, 2014

HOUSE BILL NO. 332

BY REPRESENTATIVE LOPINTO

CONTROLLED SUBSTANCES: Amends criminal penalties for certain offense involving Schedule I narcotic substances

1 AN ACT

2 To amend and reenact R.S. 40:966(B)(1) and (C)(1), relative to the Uniform Controlled
3 Dangerous Substances Law; to amend penalties for certain offenses; to provide for
4 minimum mandatory sentence; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:966(B)(1) and (C)(1) are hereby amended and reenacted to read
7 as follows:

8 §966. Penalty for distribution or possession with intent to distribute narcotic drugs
9 listed in Schedule I; possession of marijuana; possession of synthetic
10 cannabinoids

11 * * *

12 B. Penalties for violation of Subsection A of this Section. Any person who
13 violates Subsection A of this Section with respect to:

14 (1) A substance classified in Schedule I which is a narcotic drug (all
15 substances in Schedule I preceded by an asterisk "*"), upon conviction shall be
16 sentenced to imprisonment for not less than ~~five~~ ten nor more than fifty years at hard
17 labor, at least ~~five~~ ten years of which shall be served without benefit of parole,
18 probation, or suspension of sentence, and may, in addition, be required to pay a fine
19 of not more than fifty thousand dollars.

20 * * *

1 C. Possession. It is unlawful for any person knowingly or intentionally to
2 possess a controlled dangerous substance classified in Schedule I unless such
3 substance was obtained directly, or pursuant to a valid prescription or order, from a
4 practitioner or as provided in R.S. 40:978, while acting in the course of his
5 professional practice, or except as otherwise authorized by this Part. Any person
6 who violates this Subsection with respect to:

7 (1) A substance classified in Schedule I which is a narcotic drug (all
8 substances in Schedule I preceded by an asterisk), shall be imprisoned at hard labor
9 for not less than ~~four~~ two years nor more than ten years, at least two years of the
10 sentence shall be served without benefit of parole, probation, or suspension of
11 sentence, and may, in addition, be required to pay a fine of not more than five
12 thousand dollars.

13 * * *

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)]

Lopinto

HB No. 332

Abstract: Increases the minimum mandatory incarceration penalty for Schedule I narcotic drugs, including heroin and related compounds.

Present law provides penalties for the production, manufacturing, distribution, or dispensing of a controlled dangerous substance, or for the possession with the intent to produce, manufacture, distribute, or dispense a controlled dangerous substance, which is a narcotic drug, of imprisonment for not less than five nor more than 50 years at hard labor. Requires at least five years of the sentence to be served without benefit of probation, or suspension of sentence, and may, in addition, be required to pay a fine of not more than \$50,000.

Proposed law increases the minimum mandatory penalty from five years to 10 years.

Present law provides penalties for the possession of a substance classified in Schedule I which is a narcotic drug of imprisonment at hard labor for not less than four years nor more than 10 years and may, in addition, be required to pay a fine of not more than \$5,000.

Proposed law adds a minimum mandatory sentence of two years of imprisonment without benefit of parole, probation, or suspension of sentence.

(Amends R.S. 40:966(B)(1) and (C)(1))