

Regular Session, 2014

HOUSE BILL NO. 332

BY REPRESENTATIVE LOPINTO

CONTROLLED SUBSTANCES: Amends criminal penalties for certain offenses 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; to provide for required treatment; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

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

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

12 \* \* \*

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

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

21 \* \* \*

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  
9 labor for not less than ~~four~~ two years nor more than ten years, at least two years of  
10 which shall be served without benefit of parole, probation, or suspension of sentence,  
11 and may, in addition, be required to pay a fine of not more than five thousand  
12 dollars. In addition to the penalties provided for in this Paragraph, the person shall  
13 also be required to participate in a court-approved substance abuse treatment  
14 program.

15 \* \* \*

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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)]

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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.

Proposed law provides that in addition to the criminal penalties, the person convicted of possession of a Schedule I narcotic shall be required to participate in a court-approved substance abuse program.

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

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Added requirement that the offender participate in a court-approved substance abuse program in addition to other penalties.