

2016 Regular Session

HOUSE BILL NO. 926

BY REPRESENTATIVE DWIGHT

CONTROLLED SUBSTANCES: Increases penalties for distribution of heroin that contains fentanyl or any derivative thereof

1 AN ACT

2 To amend and reenact R.S. 40:966(B)(4), relative to the Uniform Controlled Dangerous
3 Substances Law; to provide penalties for possession of heroin combined with
4 fentanyl or any of its analogues; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:966(B)(4) is hereby amended and reenacted to read as follows:

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

10 * * *

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

13 * * *

14 (4)(a) ~~Except as provided in Subparagraph (c) of this Paragraph, a~~
15 substance classified in Schedule I that is the narcotic drug heroin or a mixture or
16 substance containing a detectable amount of heroin or of its analogues upon
17 conviction of a first offense shall be sentenced to a term of imprisonment at hard
18 labor for not less than ten nor more than fifty years, at least ten years of which shall
19 be served without benefit of probation or suspension of sentence, and may, in
20 addition, be required to pay a fine of not more than fifty thousand dollars.

1 (b) ~~Except as provided in Subparagraph (d) of this Paragraph~~, a substance
2 classified in Schedule I that is the narcotic drug heroin or a mixture or substance
3 containing a detectable amount of heroin or of its analogues upon conviction of a
4 second or subsequent offense shall be sentenced to a term of imprisonment at hard
5 labor for not less than ten nor more than ninety-nine years, at least ten years of which
6 shall be served without benefit of probation or suspension of sentence, and may, in
7 addition, be required to pay a fine of not more than fifty thousand dollars.

8 (c) A substance classified in Schedule I that is the narcotic drug heroin or a
9 mixture or substance containing a detectable amount of heroin or of its analogues
10 combined with fentanyl or any of its analogues upon a first conviction shall be
11 sentenced to a term of imprisonment at hard labor of not less than twenty nor more
12 than ninety-nine years without benefit of parole, probation, or suspension of
13 sentence.

14 (d) A substance classified in Schedule I that is the narcotic drug heroin or a
15 mixture or substance containing a detectable amount of heroin or of its analogues
16 combined with fentanyl or any of its analogues upon conviction of a second or
17 subsequent offense shall be sentenced to life imprisonment at hard labor without
18 benefit of parole, probation, or suspension of sentence.

19 * * *

20 Section 2. This Act shall become effective upon signature by the governor or, if not
21 signed by the governor, upon expiration of the time for bills to become law without signature
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
24 effective on the day following such approval.

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)]

HB 926 Original

2016 Regular Session

Dwight

Abstract: Increases criminal penalties for certain combinations of heroin and fentanyl.

Present law provides that it is unlawful for any person to knowingly or intentionally produce, manufacture, distribute, or dispense, or to possess with intent to produce, manufacture, distribute, or dispense, a controlled dangerous substance or a controlled substance analogue classified in Schedule I of present law (Uniform Controlled Dangerous Substances Law).

Proposed law retains present law.

Present law provides that with regard to a substance classified in present law that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or of its analogues, upon conviction of a first offense violation of present law the offender is to be sentenced to a term of imprisonment at hard labor for between 10 and 50 years, at least 10 years of which must be served without benefit of probation or suspension of sentence, and may, in addition, be required to pay a fine of up to \$50,000.

Proposed law provides that with regard to heroin combined with fentanyl (a powerful synthetic opiate analgesic similar to but more potent than morphine) or any of its analogues, upon a first conviction the offender is to be sentenced to a term of imprisonment at hard labor for between 20 and 99 years without benefit of parole, probation, or suspension of sentence. Proposed law otherwise retains present law.

Present law provides that with regard to a substance classified in present law that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or of its analogues, upon conviction of a second or subsequent offense the offender is to be sentenced to a term of imprisonment at hard labor for between 10 and 99 years, at least 10 years of which must be served without benefit of probation or suspension of sentence, and may, in addition, be required to pay a fine of up to \$50,000.

Proposed law provides that with regard to heroin combined with fentanyl or any of its analogues, upon conviction of a second or subsequent offense the offender is to be sentenced to life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. Proposed law otherwise retains present law.

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

(Amends R.S. 40:966(B)(4))