

2016 Regular Session

HOUSE BILL NO. 926

BY REPRESENTATIVE DWIGHT

CONTROLLED SUBSTANCES: Amends 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.

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 Engrossed

2016 Regular Session

Dwight

Abstract: Amends the 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 heroin or a mixture or substance containing a detectable amount of heroin or of its analogues, upon conviction of a first offense, the offender is 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 sentenced to a term of imprisonment at hard labor for between 20 and 50 years without benefit of parole, probation, or suspension of sentence. Proposed law otherwise retains present law.

Present law provides that with regard to 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 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 sentenced to not less than 30 nor more than 99 years 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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Decreases penalty for first offense from a maximum of 99 years to 50 years.
2. Decreases penalty for a second or subsequent offense from life imprisonment to not less than 30 years nor more than 99 years.