HLS 16RS-267 ENGROSSED

2016 Regular Session

HOUSE BILL NO. 926

1

BY REPRESENTATIVE DWIGHT

CONTROLLED SUBSTANCES: Amends penalties for distribution of heroin that contains fetanyl or any derivative thereof

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) 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 labor for not less than ten nor more than fifty years, at least ten years of which shall 18 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.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(b) A 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 fifty years without benefit of parole, probation, or suspension of sentence.
13	(d) A substance classified in Schedule I that is the narcotic drug heroin or a
14	mixture or substance containing a detectable amount of heroin or of its analogues
15	combined with fentanyl or any of its analogues upon conviction of a second or
16	subsequent offense shall be sentenced to imprisonment for not less than thirty nor
17	more than ninety-nine years at hard labor without benefit of parole, probation, or
18	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 Engrossed

2016 Regular Session

Dwight

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

<u>Present law</u> 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 <u>present law</u> (Uniform Controlled Dangerous Substances Law).

Proposed law retains present law.

<u>Present law</u> 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.

<u>Proposed law</u> 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. <u>Proposed law</u> otherwise retains present law.

<u>Present law</u> 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.

<u>Proposed law</u> 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 <u>House Committee on Administration of Criminal Justice</u> to the <u>original</u> 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 <u>from</u> life imprisonment <u>to</u> not less than 30 years nor more than 99 years.