
DIGEST

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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 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.