

HOUSE COMMITTEE AMENDMENTS

2015 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 174 by Representative LeBas

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S.
3 40:966(B)(3), (E), and (F) and to"

4 AMENDMENT NO. 2

5 On page 1, line 6, after "hydrocodone;" and before "to" insert "to provide for criminal
6 penalties for offenses involving a substance containing mitragynine or
7 7-Hydroxymitragynine;"

8 AMENDMENT NO. 3

9 On page 1, line 10, after "Section 1." and before "R.S." insert "R.S. 40:966(B)(3), (E), and
10 (F) are hereby amended and reenacted and"

11 AMENDMENT NO. 4

12 On page 2, delete line 5 in its entirety and insert the following:

13 "(2) 7-Hydroxymitragynine"

14 AMENDMENT NO. 5

15 On page 2, delete lines 10 and 11 in their entirety and insert the following:

16 "(3) Tramadol (2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol), its
17 salts, isomers, and salts of its isomers."

18 AMENDMENT NO. 6

19 On page 2, between lines 20 and 21, insert the following:

20 "§966. Penalty for distribution or possession with intent to distribute narcotic drugs
21 listed in Schedule I; possession of marijuana; possession of synthetic
22 cannabinoids; possession of heroin; possession of mitragynine or
23 7-Hydroxymitragynine

24 * * *

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

27 * * *

28 (3) A substance classified in Schedule I which is marijuana,
29 tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols, ~~or~~ synthetic
30 cannabinoids, or a substance which contains any amount of mitragynine or
31 7-Hydroxymitragynine shall upon conviction be sentenced to a term of imprisonment
32 at hard labor for not less than five nor more than thirty years, and pay a fine of not
33 more than fifty thousand dollars.

34 * * *

35 E. Possession of marijuana, ~~or~~ synthetic cannabinoids, mitragynine or
36 7-Hydroxymitragynine. (1) Except as provided in Subsections E and F of this
37 Section, on a first conviction for violation of Subsection C of this Section with
38 regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, ~~or~~

1 synthetic cannabinoids, or a substance which contains any amount of mitragynine or
2 7-Hydroxymitragynine, the offender shall be fined not more than five hundred
3 dollars, imprisoned in the parish jail for not more than six months, or both.

4 (2)(a) Except as provided in Subsection F or G of this Section, on a second
5 conviction for violation of Subsection C of this Section with regard to marijuana,
6 tetrahydrocannabinol or chemical derivatives thereof, ~~or~~ synthetic cannabinoids, or
7 a substance which contains any amount of mitragynine or 7-Hydroxymitragynine,
8 the offender shall be fined not less than two hundred fifty dollars, nor more than two
9 thousand dollars, imprisoned with or without hard labor for not more than five years,
10 or both.

11 (b) If the court places the offender on probation, the probation shall provide
12 for a minimum condition that he participate in a court-approved substance abuse
13 program and perform four eight-hour days of court-approved community service
14 activities. Any costs associated with probation shall be paid by the offender.

15 (3) Except as provided in Subsection F or G of this Section, on a third or
16 subsequent conviction for violation of Subsection C of this Section with regard to
17 marijuana, tetrahydrocannabinol or chemical derivatives thereof, ~~or~~ synthetic
18 cannabinoids, or a substance which contains any amount of mitragynine or
19 7-Hydroxymitragynine, the offender shall be sentenced to imprisonment with or
20 without hard labor for not more than twenty years, and may, in addition, be
21 sentenced to pay a fine of not more than five thousand dollars.

22 (4) A conviction for the violation of any other statute or ordinance with the
23 same elements as R.S. 40:966(C) prohibiting the possession of marijuana,
24 tetrahydrocannabinol or chemical derivatives thereof, ~~or~~ synthetic cannabinoids, or
25 a substance which contains any amount of mitragynine or 7-Hydroxymitragynine
26 shall be considered as a prior conviction for the purposes of this Subsection relating
27 to penalties for second, third, or subsequent offenders.

28 (5) A conviction for the violation of any other statute or ordinance with the
29 same elements as R.S. 40:966(B)(3) prohibiting the distributing or dispensing or
30 possession with intent to distribute or dispense marijuana, of marijuana,¹
31 tetrahydrocannabinol or chemical derivatives thereof, ~~or~~ synthetic cannabinoids, or
32 a substance which contains any amount of mitragynine or 7-Hydroxymitragynine
33 shall be considered as a prior conviction for the purposes of this Subsection relating
34 to penalties for second, third, or subsequent offenders.

35 F. Except as otherwise authorized in this Part:

36 (1) Any person who knowingly or intentionally possesses sixty pounds or
37 more, but less than two thousand pounds of marijuana, tetrahydrocannabinol or
38 chemical derivatives thereof, ~~or~~ synthetic cannabinoids, or a substance which
39 contains any amount of mitragynine or 7-Hydroxymitragynine shall be sentenced to
40 serve a term of imprisonment at hard labor of not less than five years, nor more than
41 thirty years, and to pay a fine of not less than fifty thousand dollars nor more than
42 one hundred thousand dollars.

43 (2) Any person who knowingly or intentionally possesses two thousand
44 pounds or more, but less than ten thousand pounds of marijuana,
45 tetrahydrocannabinol or chemical derivatives thereof, ~~or~~ synthetic cannabinoids, or
46 a substance which contains any amount of mitragynine or 7-Hydroxymitragynine
47 shall be sentenced to serve a term of imprisonment at hard labor of not less than ten
48 years nor more than forty years, and to pay a fine of not less than one hundred
49 thousand dollars nor more than four hundred thousand dollars.

50 (3) Any person who knowingly or intentionally possesses ten thousand
51 pounds or more of marijuana, tetrahydrocannabinol or chemical derivatives thereof,
52 ~~or~~ synthetic cannabinoids, or a substance which contains any amount of mitragynine
53 or 7-Hydroxymitragynine shall be sentenced to serve a term of imprisonment at hard
54 labor of not less than twenty-five years, nor more than forty years and to pay a fine
55 of not less than four hundred thousand dollars nor more than one million dollars.

56 * * *

1 AMENDMENT NO. 7

2 On page 2, after line 22, add the following:

3 "Section 3. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval."