

## RÉSUMÉ DIGEST

**ACT 281 (SB 220)**

**2017 Regular Session**

**Alario**

Prior law provided elements, definitions, and penalties for the following offenses: simple arson, communicating of false information of planned arson, simple criminal damage to property, simple burglary of an inhabited dwelling, home invasion, theft, organized retail theft, theft of a motor vehicle, unauthorized use of a movable, unauthorized use of a motor vehicle, unlawful acts relative to receipts and universal product code labels, illegal possession of stolen things, refund or access device application fraud, access device fraud, issuing worthless checks, prostitution, residential contractor fraud, and money laundering.

New law increases, reduces, or otherwise modifies the penalty provisions for these prior law offenses in accordance with the report and recommendations of the Justice Reinvestment Task Force.

Prior law provided elements, definitions, and penalties relative to offenses under the Uniform Controlled Dangerous Substances Law.

New law increases, reduces, or otherwise modifies the penalty provisions for these prior law offenses in accordance with certain recommendations of the Justice Reinvestment Task Force.

Prior law designated certain offenses as "crimes of violence" for purposes of prior law and new law.

New law deletes the following offenses from prior law: mingling harmful substances, extortion, and illegal use of weapons or dangerous instrumentalities.

Prior law provided elements, definitions, and penalties for the following offenses: theft of animals; failure to remit payment for sale of forest products; criminal damage to coin-operated devices; criminal damage to a pipeline facility; criminal damage to genetically engineered crops, genetically engineered crop facilities, or genetically engineered crop information; simple burglary of a pharmacy; simple burglary of a religious building; simple burglary of a law enforcement or emergency vehicle; theft of livestock; theft of goods; cheating and swindling; theft of timber; theft of a business record; theft of the assets of a person who is aged or a person with a disability; theft of utility service; theft of petroleum products; theft of oilfield geological survey; theft of oil and gas equipment; theft of utility property; and theft of copper or other metals. New law repeals these provisions.

New law creates the La. Felony Class System Task Force to study, evaluate, and develop a recommendation for a felony class system before the 2018 Regular Session of the legislature.

New law provides relative to the membership and organization of La. Felony Class System Task Force.

New law requires the names of the persons who are to serve on the task force to be submitted to the chief justice of the La. Supreme Court on or before Sept. 1, 2017. New law requires the chief justice to call the first meeting of the task force on or before Sept. 15, 2017. New law further requires the task force to meet a minimum of six times between Sept. 15, 2017, and Feb. 1, 2018.

New law requires the task force to prepare and submit a final report of its findings and recommendations, including any specific and complete draft legislation, to the governor, the speaker of the House of Representatives, the president of the Senate, the chairman of the House Committee on Administration of Criminal Justice, the chairman of the Senate Committee on Judiciary C, and the chief justice of the La. Supreme Court, no later than Feb. 1, 2018. Provides that the task force becomes null and of no effect on Feb. 2, 2018.

New law provides for penalties for distribution or possession of the Schedule 1 narcotic drug heroin or a mixture of a substance containing a detectable amount of heroin or its analogues or a mixture or substance containing a detectable amount of heroin or its analogues, or fentanyl or a mixture of substances containing a detectable amount of fentanyl or its analogues, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than 40 years and may, in addition, be required to pay a fine of not more than \$50,000.

New law provides for treatment of heroin and fentanyl addiction as a condition probation and for monitoring the defendant in a drug treatment program.

New law provides penalties for possession of phencyclidine, for an amount of an aggregate weight of less than 28 grams shall be imprisoned at hard labor for not less than one year nor more than 20 years or payment of a fine up to \$5,000, or both.

Effective August 1, 2017.

(Amends R.S. 14:52(B), 54.1(B), 56(B)(1) and (2), 62.2(B), 62.8(B), 67(B), 67.25(D), 67.26(C), 68(B), 68.4(B), 68.7(B)(1), 69(B) and (C), 70.2(C), 70.4(E), 71(C), (D), (E), (F), and (G), 82(C)(3), 95.1(B), 202.1(C), and 230(E)(4) and R.S. 40:966(B), (C), (D), (E), (F), and (G), 967(B) and (C), 968(B) and (C), 969(B) and (C), and 970(B) and (C); adds R.S. 14:69(D) and 601 and R.S. 40:967(C)(3) and (D); repeals R.S. 14:2(B)(8), (25) and (29), 56.1, 56.2, 56.3, 62.1, 62.6, 62.9, 67.1, 67.2, 67.3, 67.6, 67.7, 67.8, 67.9, 67.10, 67.18, 67.20, 67.21, 67.24, 67.25(E), 67.28, 67.30, 68.5, 71(H) and (I), and 211 and R.S. 40:966(G), (H) and (I) and 967(F) and (G))