SENATE BILL NO. 220

BY SENATORS ALARIO AND BISHOP AND REPRESENTATIVES ABRAHAM, BAGNERIS, BILLIOT, BOUIE, CARPENTER, GARY CARTER, COX, GAINES, GLOVER, HALL, JIMMY HARRIS, HOFFMANN, HUNTER, JACKSON, JAMES, JORDAN, TERRY LANDRY, LEGER, LYONS, MAGEE, MARCELLE, MARINO, MORENO, NORTON, PIERRE AND SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact 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), 970(B) and (C), to enact R.S. 14:69(D) and Chapter 3 of Title 14 of the Louisiana Revised Statutes of 1950, comprised of R.S. 14:601, and R.S. 40:967(C)(3) and (D), and to repeal 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), 67.26, 67.30, 68.5, 71(H) and (I), and 211 and R.S. 40:966(G), (H) and (I) and 967(F) and (G), relative to felony and misdemeanor offenses; to provide relative to penalties for certain felony and misdemeanor offenses; to provide relative to legislative findings and intent; to provide relative to create and provide for the membership, duties, and reporting requirements of the Louisiana Felony Class System Task Force; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  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) are hereby amended and reenacted and R.S. 14:69(D) and Chapter 3 of Title 14 of the Louisiana Revised Statutes of 1950, comprised of R.S. 14:601 are hereby enacted to read as follows:

§52. Simple arson
B. Whoever commits the crime of simple arson, where the damage done amounts to five hundred dollars or more, shall be fined not more than fifteen thousand dollars and imprisoned at hard labor for not less than two years nor more than fifteen years.

§54.1. Communicating of false information of planned arson

B. Whoever commits the crime of communicating of false information of arson or attempted arson shall be imprisoned at hard labor for not more than twenty
fifteen years.

§56. Simple criminal damage to property

B.(1) Whoever commits the crime of simple criminal damage to property where the damage is less than five hundred one thousand dollars shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

(2) Where the damage amounts to five hundred one thousand dollars but less than fifty thousand dollars, the offender shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not more than two years, or both.

§62.2. Simple burglary of an inhabited dwelling

B. Whoever commits the crime of simple burglary of an inhabited dwelling shall be imprisoned at hard labor for not less than one year, without benefit of parole, probation or suspension of sentence, nor more than twelve years.

§62.8. Home invasion
B.(1) Except as provided in Paragraphs (2) and (3) of this Subsection, whoever commits the crime of home invasion shall be fined not more than five thousand dollars and shall be imprisoned at hard labor for not more than twenty-five years not less than one year nor more than thirty years.

(2) Whoever commits the crime of home invasion while armed with a dangerous weapon shall be fined not more than seven thousand dollars and shall be imprisoned at hard labor for not less than five years nor more than thirty years.

(3) Whoever commits the crime of home invasion when, at the time of the unauthorized entering, there is present in the dwelling or structure any person who is under the age of twelve years, is sixty-five years of age or older, or who has a developmental disability as defined in R.S. 28:451.2, shall be fined not more than ten thousand dollars and shall be imprisoned at hard labor for not less than ten nor more than twenty-five years. At least ten years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

§67. Theft

B.(1) Whoever commits the crime of theft when the misappropriation or taking amounts to a value of twenty-five thousand dollars or more shall be imprisoned, with or without hard labor, for not less than five years nor more than twenty years, or may be fined not more than fifty thousand dollars, or both.

(2) When the misappropriation or taking amounts to a value of five thousand dollars or more, but less than a value of twenty-five thousand dollars, the offender shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than ten thousand dollars, or both.

(3) When the misappropriation or taking amounts to a value of seven hundred fifty one thousand dollars or more, but less than a value of five thousand dollars, the offender shall be imprisoned, with or without hard labor, for not more than five years, or may be fined not more than three thousand dollars, or both.

(4) When the misappropriation or taking amounts to less than a value of...
seven hundred fifty one thousand dollars, the offender shall be imprisoned for not
more than six months, or may be fined not more than one thousand dollars, or both.
If the offender in such cases has been convicted of theft two or more times
previously, upon any subsequent conviction he shall be imprisoned, with or without
hard labor, for not more than two years, or may be fined not more than two thousand
dollars, or both.

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§67.25. Organized retail theft

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D. (1) Whoever commits the crime of organized retail theft when the
aggregate amount of the misappropriation, taking, purchasing, possessing, procuring,
receiving, or concealing in any one-hundred-eighty-day period amounts to a value
less than five hundred of twenty-five thousand dollars or more shall be imprisoned
with or without at hard labor for not more than two twenty years, or may be fined
not more than two fifty thousand dollars, or both.

E. (2) Whoever commits the crime of organized retail theft when the
aggregate amount of the misappropriation, taking, purchasing, possessing, procuring,
receiving, or concealing in any one-hundred-eighty-day period amounts to a value
more than five hundred of five thousand dollars or more, but less than a value of
twenty-five thousand dollars shall be imprisoned with or without hard labor for not
more than ten years, or may be fined not more than ten thousand dollars, or both.

(3) Whoever commits the crime of organized retail theft when the
aggregate amount of the misappropriation, taking, purchasing, possessing,
procuring, receiving, or concealing in any one-hundred-eighty-day period
amounts to a value of one thousand dollars or more but less than a value of five
thousand dollars shall be imprisoned, with or without hard labor, for not more
than five years, or may be fined not more than three thousand dollars, or both.

(4) When the misappropriation or taking amounts to less than a value of
one thousand dollars, the offender shall be imprisoned for not more than six
months, or may be fined not more than one thousand dollars, or both. If the

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offender in such cases has been convicted of theft two or more times previously, upon any subsequent conviction the offender shall be imprisoned, with or without hard labor, for not more than two thousand dollars, or both.

§67.26. Theft of a motor vehicle

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C. (1) Whoever commits the crime of theft of a motor vehicle when the misappropriation or taking amounts to a sum of one thousand five hundred dollars or more shall be imprisoned, with or without hard labor, for not more than ten years value of twenty-five thousand dollars or more shall be imprisoned at hard labor for not more than twenty years, or may be fined not more than three fifty thousand dollars, or both.

(2) Whoever commits the crime of theft of a motor vehicle when the misappropriation or taking amounts to a sum of five hundred dollars or more but less than one thousand five hundred dollars shall be imprisoned, with or without hard labor, for not more than five years value of five thousand dollars or more, but less than a value of twenty-five thousand dollars, shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than two ten thousand dollars, or both.

(3) Whoever commits the crime of theft of a motor vehicle when the misappropriation or taking amounts to a sum of less than five hundred dollars shall be imprisoned for not more than six months value of one thousand dollars or more but less than a value of five thousand dollars shall be imprisoned, with or without hard labor, for not more than five years, or may be fined not more than one three thousand dollars, or both.

(4) When the misappropriation or taking amounts to less than a value of one thousand dollars, the offender shall be imprisoned for not more than six months, or fined not more than one thousand dollars, or both. If the offender in such cases has been convicted of theft two or more times previously, then upon any subsequent conviction the offender shall be imprisoned for not more

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than two years, or fined not more than two thousand dollars, or both.

§68. Unauthorized use of a movable

B. Whoever commits the crime of unauthorized use of a movable having a value of five hundred one thousand dollars or less shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both. Whoever commits the crime of unauthorized use of a movable having a value in excess of five hundred one thousand dollars shall be fined not more than five thousand dollars, imprisoned, with or without hard labor, for not more than five two years, or both.

§68.4. Unauthorized use of a motor vehicle

B. Whoever commits the crime of unauthorized use of a motor vehicle shall be fined not more than five thousand dollars or imprisoned with or without hard labor for not more than ten two years or both.

§68.7. Receipts and universal product code labels; unlawful acts

B.(1) Except as provided in Paragraphs Paragraph (3) and (4) of this Subsection, whoever violates the provisions of this Section shall be subject to the following penalties:

(a) When the fair market value of the goods which are the subject of the falsified retail sales receipts or universal product code labels, as described in Subsection A of this Section, equals one thousand five hundred dollars or more; imprisonment, with or without hard labor, for not more than ten years amounts to a value of twenty-five thousand dollars or more, the offender shall be imprisoned at hard labor for not more than twenty years, or a fine not to exceed three fined not more than fifty thousand dollars, or both.

(b) When the fair market value of the goods which are the subject of the
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Subsection A of this Section, equals five hundred dollars or more but less than one thousand five hundred dollars, imprisonment, with or without hard labor, for not more than five years amounts to a value of five thousand dollars or more, but less than a value of twenty-five thousand dollars, the offender shall be imprisoned, with or without hard labor, for not more than ten years, or a fine of not more than two thousand dollars, or both.

(c) When the fair market value of the goods which are the subject of the falsified retail sales receipts or universal product code labels, as described in Subsection A of this Section, is less than five hundred dollars, imprisonment for not more than six months amounts to a value of one thousand dollars or more but less than five thousand dollars, the offender shall be imprisoned, with or without hard labor, for not more than five years, or a fine not to exceed not more than five hundred dollars, or both. If a person is convicted of violating the provisions of this Section in a manner consistent with this Subparagraph two or more times previously, upon any subsequent conviction, he shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than two thousand dollars, or both.

(d) When the fair market value of the goods which are the subject of the falsified retail sales receipts or universal product code labels, as described in Subsection A of this Section, amounts to a value of less than one thousand dollars, the offender shall be imprisoned for not more than six months, or fined not more than five hundred dollars, or both. If a person is convicted of theft two or more times previously, upon any subsequent conviction, he shall be imprisoned, with or without hard labor, for not more than two years, or fined not more than two thousand dollars, or both.

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§69. Illegal possession of stolen things

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B.(1) Whoever commits the crime of illegal possession of stolen things, when

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the value of the things is one thousand five hundred dollars or more, shall be
imprisoned, with or without hard labor, for not more than ten years twenty-five
thousand dollars or more, shall be imprisoned at hard labor for not more than
twenty years, or may be fined not more than three fifty thousand dollars, or both.

(2) When the value of the stolen things is five hundred dollars or more, but
less than one thousand five hundred dollars, the offender shall be imprisoned, with
or without hard labor, for not more than five years five thousand dollars or more,
but less than a value of twenty-five thousand dollars, the offender shall be
imprisoned, with or without hard labor, for not more than ten years, or may be
fined not more than two ten thousand dollars, or both.

(3) When the value of the stolen things is one thousand dollars or more,
but less than a value of five thousand dollars, the offender shall be imprisoned,
with or without hard labor, for not more than five years, or may be fined not
more than three thousand dollars, or both.

(4) When the value of the stolen things is less than five hundred one
thousand dollars, the offender shall be imprisoned for not more than six months or
may be fined not more than one thousand dollars, or both. If the offender in such
cases has been convicted of receiving stolen things or illegal possession of stolen
things theft two or more times previously, upon any subsequent conviction, he shall
be imprisoned, with or without hard labor, for not more than two years, or may be
fined not more than two thousand dollars, or both.

(4) C. When the offender has committed the crime of illegal possession of
stolen things by a number of distinct acts, the aggregate of the amount of the things
so received shall determine the grade of the offense.

C-D. It shall be an affirmative defense to a violation of this Section
committed by means of possessing, that the accused, within seventy-two hours of his
acquiring knowledge or good reason to believe that a thing was the subject of
robbery or theft, reports that fact or belief in writing to the district attorney in the
parish of his domicile.

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§70.2. Refund or access device application fraud

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C.(1) Whoever commits the crime of refund fraud shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(2) Whoever commits the crime of access device application fraud when the misappropriation or taking amounts to a value of one thousand five hundred dollars or more shall be imprisoned, with or without hard labor, for not more than ten years, twenty-five thousand dollars or more shall be imprisoned at hard labor for not more than twenty years, or may be fined not more than three fifty thousand dollars, or both.

(3) When whoever commits the crime of access device application fraud when the misappropriation or taking amounts to a value of five hundred thousand dollars or more, but less than a value of one twenty-five thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than five ten years, or may be fined not more than two ten thousand dollars, or both.

(4) Whenever commits the crime of access device application fraud when the misappropriation or taking amounts to a value of one thousand dollars or more but less than a value of five thousand dollars shall be imprisoned, with or without hard labor, for not more than five years, or may be fined not more than three thousand dollars, or both.

(5) When the misappropriation or taking amounts to less than a value of five hundred one thousand dollars, the offender shall be imprisoned for not more than six months, or may be fined not more than five hundred dollars, or both. If the offender in such cases has been convicted of theft two or more times previously, upon any subsequent conviction he shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than one two thousand dollars, or both.

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§70.4. Access device fraud

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E.(1) A person who commits the crime of access device fraud when the misappropriation or taking amounts to a value of one twenty-five thousand five hundred dollars or more shall be imprisoned, with or without at hard labor, for not more than ten twenty years, or fined not more than five fifty thousand dollars, or both.

(2) When the misappropriation or taking amounts to a value of at least five hundred five thousand dollars or more, but less than a value of one thousand five hundred twenty-five thousand dollars, the offender shall be imprisoned, with or without hard labor, for not more than five ten years, or fined not more than three ten thousand dollars, or both.

(3) When the misappropriation or taking amounts to a value of one thousand dollars or more, but less than a value of five thousand dollars, the offender shall be imprisoned, with or without hard labor, for not more than five years, or may be fined not more than three thousand dollars, or both.

(4) When the misappropriation or taking amounts to a value of less than five hundred one thousand dollars, the offender shall be imprisoned for not more than six months or fined not more than five hundred dollars, or both.

(5) Upon a third or subsequent conviction of a violation of the provisions of this Section theft, the offender shall be imprisoned, with or without hard labor, for not more than ten two years, or may be fined not more than ten two thousand dollars, or both.

§71. Issuing worthless checks

C.(1) Whoever commits the crime of issuing worthless checks, when the amount of the check or checks is one thousand five hundred twenty-five thousand dollars or more, shall be imprisoned, with or without at hard labor, for not more than ten twenty years, or may be fined not more than three fifty thousand dollars, or both.

D.(2) When the amount of the check or checks is five hundred thousand dollars or more, but less than one twenty-five thousand five hundred dollars, the
offender shall be imprisoned, with or without hard labor, for not more than five ten
years, or may be fined not more than two ten thousand dollars, or both.

(3) When the amount of the check or checks is more than one thousand
dollars, but less than five thousand dollars, the offender shall be imprisoned,
with or without hard labor, for not more than five years, or may be fined not
more than three thousand dollars, or both.

E.(4) When the amount of the check or checks is less than five hundred one
thousand dollars, the offender shall be imprisoned for not more than six months, or
may be fined not more than five hundred dollars, or both. If the offender in such
cases has been convicted of issuing worthless checks theft two or more times
previously, upon any subsequent conviction he shall be imprisoned, with or without
hard labor, for not more than two years, or may be fined not more than one two
thousand dollars, or both.

F-D. When the offender has issued more than one worthless check within a
one hundred eighty-day period, the amount of several or all worthless checks issued
during that one hundred eighty-day period may be aggregated to determine the grade
of the offense.

G-E. In addition to any other fine or penalty imposed under this Section, the
court shall order as part of the sentence restitution in the amount of the check or
checks, plus a fifteen dollar per check service charge payable to the person or entity
that initially honored the worthless check or checks, an authorized collection agency,
or justice of the peace. In the event the fifteen dollar per check service charge is paid
to a person or entity other than one who initially honored the worthless check or
checks, the court shall also order as part of the sentence restitution equal to the
amount that the bank or other depository charged the person or entity who initially
honored the worthless check, plus the actual cost of notifying the offender of
nonpayment as required in Paragraph A(2) (A)(2) of this Section.

H-F. In any prosecution for a violation of this Section, the prosecution may
enter as evidence of a violation of this Section any check, draft, or order for the
payment of money upon any bank or other depository which the bank or other
depository has refused to honor because the person who issued the check, draft, or order did not have sufficient credit with the bank or other depository for the payment of that check, draft, or order in full upon its presentation.

**G.** In addition to the provisions of Subsection **F of this Section,** in any prosecution for a violation of this Section, the prosecution may enter as evidence of a violation of this Section any tangible copy, facsimile, or other reproduction of the check, draft, or order, or any electronic reproduction of the check, draft, or order, or any other form of the record of the check, draft, or order, provided that the tangible copy, facsimile, or other reproduction, or the electronic reproduction, or the other form of the record of the check, draft, or order has been made, recorded, stored, and reproduced in accordance with the requirements of the Louisiana Office of Financial Institutions, or in accordance with the requirements of the federal agency which regulates the bank or other depository, and provided that the appropriate officer of the bank or other depository has certified that the tangible copy, facsimile, or other reproduction, or the electronic copy, or the other form of the record of the check, draft, or order for the payment of money has been made, stored, and reproduced in accordance with the requirements of the Louisiana Office of Financial Institutions, or in accordance with the requirements of the federal agency which regulates the bank or other depository, and is a true and correct record of the transaction involving the check, draft, or order upon which the prosecution is based.

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§82. Prostitution; definition; penalties; enhancement

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C.(1) * * *

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(3) On a third and subsequent conviction, the offender shall be imprisoned, with or without hard labor, for not less than two nor more than four years and shall be fined not less than five hundred dollars nor more than four thousand dollars.

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§95.1. Possession of firearm or carrying concealed weapon by a person convicted of
certain felonies

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B. Whoever is found guilty of violating the provisions of this Section shall be imprisoned at hard labor for not less than ten five nor more than twenty years without the benefit of probation, parole, or suspension of sentence and be fined not less than one thousand dollars nor more than five thousand dollars. Notwithstanding the provisions of R.S. 14:27, whoever is found guilty of attempting to violate the provisions of this Section shall be imprisoned at hard labor for not more than seven and one-half years and fined not less than five hundred dollars nor more than two thousand five hundred dollars.  

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§202.1. Residential contractor fraud; penalties

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C.(1) When the misappropriation or intentional taking amounts to a value of less than five hundred one thousand dollars, the offender shall be imprisoned for not more than six months, fined not more than one thousand dollars, or both. **If the offender in such cases has been convicted of theft two or more times previously, then upon conviction the offender shall be imprisoned, with or without hard labor, for not more than two years, or fined not more than two thousand dollars.**

(2) When the misappropriation or intentional taking amounts to a value of five hundred one thousand dollars or more, but less than one five thousand five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than five years, or may be fined not more than two three thousand dollars, or both.

(3) When the misappropriation or intentional taking amounts to a value of one five thousand five hundred dollars or more but less than twenty-five thousand dollars, the offender shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than three ten thousand dollars, or both.

(4) **When the misappropriation or intentional taking amounts to a value**
of twenty-five thousand dollars or more, the offender shall be imprisoned at hard labor for not more than twenty years, or may be fined not more than fifty thousand dollars, or both.

(5) In determining the amount of the misappropriation or intentional taking, the court shall include the cost of repairing work fraudulently performed by the contractor and the cost of completing work for which the contractor was paid but did not complete.

§230. Money laundering; transactions involving proceeds of criminal activity

E.(1)

(4) Whoever violates the provisions of this Section, if the value of the funds is one hundred thousand dollars or more, shall be imprisoned at hard labor for not less than two years nor more than ninety-nine years and may be fined not more than fifty thousand dollars.

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CHAPTER 3. LOUISIANA FELONY CLASS SYSTEM TASK FORCE

§601. Louisiana Felony Class System Task Force

A. The legislature hereby finds that it is in the best interest of the public to have, to the greatest extent possible, a clear, regular, and simple sentencing system, whereby nearly every felony offense falls into a class, with sentencing to be imposed by designated class, to ensure consistency across crimes of similar severity and greater transparency for victims, defendants, and criminal justice practitioners. Such a system will henceforth be referred to as a felony class system.

B. Accordingly, the Legislature of Louisiana hereby authorizes and directs the creation of the Louisiana Felony Class System Task Force to study, evaluate, and develop a recommendation for a felony class system to the legislature before the 2018 Regular Session of the Louisiana Legislature.

C.(1) The membership of the task force shall be as follows:
(a) Three attorneys designated by the president of Louisiana District
Attorneys Association.

(b) Two attorneys designated by the state public defender.

(c) One attorney designated by the chief justice of the Louisiana Supreme
Court.

(d) One attorney designated by the Louisiana Association of Criminal
Defense Lawyers.

(e) Two attorneys designated by the Louisiana District Judges
Association.

(f) One attorney designated by the office of the governor.

(g) The chair of the House Committee on Administration of Criminal
Justice or his designee.

(h) The chair of the Senate Committee on Judiciary C or his designee.

(i) Each attorney member of the task force shall be an attorney licensed
to practice and who practices in this state.

(2)(a) The names of the persons who are to serve on the task force shall
be submitted to the chief justice of the Louisiana Supreme Court on or before
September 1, 2017.

(b) The chief justice shall call the first meeting of the task force, which
meeting shall be held on or before September 15, 2017.

(c) At the first meeting of the task force, its members shall elect from
their membership a chairman and vice chairman and such other officers as the
task force may deem advisable. The chief justice, or the chief justice's designee,
shall preside over the task force until a chairman is elected.

(d) The task force shall meet a minimum of six times between September
15, 2017, and February 1, 2018, and may hold public hearings as part of its
evaluation process. Meetings of the task force shall be held in the state capital.

D. The task force shall prepare and submit a final report of its findings
and recommendations, including but not limited to 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 Louisiana Supreme Court, no later than February 1, 2018. The report shall be made available to the public and the task force shall be abolished upon submission of the report.

E.(1) The task force may apply for, contract for, receive, and expend for purposes of this Chapter any appropriation or grant from the state, its political subdivisions, the federal government, or any other public or private source.

(2) The books and records of the task force shall be subject to audit by the legislative auditor pursuant to R.S. 24:513.

F. This Chapter shall become null and of no effect on February 2, 2018.

Section 2. 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) are hereby amended and reenacted and R.S. 40:967(C)(3) and (D) are hereby enacted to read as follows:

§966. Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, possession of synthetic cannabinoids, possession of heroin

*  *  *

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

(1) Except as otherwise provided in Paragraph (4) Paragraphs (2) and (3) of this Subsection, a substance classified in Schedule I that is a narcotic drug (all substances in Schedule I preceded by an asterisk "*"), upon conviction shall be sentenced to imprisonment at hard labor for not less than ten nor more than fifty years, at least ten years of which shall be served without benefit of probation or suspension of sentence, and may, in addition, be required to pay a fine of not more than fifty thousand dollars; for an amount of:

(a) An aggregate weight of less than twenty-eight grams, shall be imprisioned, with or without hard labor, for not less than one year nor more than ten years and may, in addition, be required to pay a fine of not more than
fifty thousand dollars.

(b) An aggregate weight of twenty-eight grams or more, shall be
imprisoned at hard labor for not less than one year nor more than twenty years
and may, in addition, be required to pay a fine of not more than fifty thousand
dollars.

(2) Except as otherwise provided in Paragraph (3) of this Subsection, any
other controlled dangerous substance classified in Schedule I, shall upon conviction
be sentenced to a term of imprisonment at hard labor for not less than five years nor
more than thirty years, at least five years of which shall be served without benefit of
parole, probation, or suspension of sentence, and pay a fine of not more than fifty
thousand dollars:

(3) A substance classified in Schedule I which is marijuana,
tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols, or synthetic
cannabinoids shall upon conviction be sentenced to a term of imprisonment at hard
labor for not less than five nor more than thirty years, and pay a fine of not more than
fifty thousand dollars for an amount of:

(a) An aggregate weight of less than two and one half pounds, shall be
imprisoned, with or without hard labor, for not less than one year nor more
than ten years, and pay a fine of not more than fifty thousand dollars.

(b) An aggregate weight of two and one half pounds or more, shall be
imprisoned at hard labor for not less than one year nor more than twenty years
and pay a fine of not more than fifty thousand dollars.

(4)(a)(3) A substance classified in Schedule I that is the narcotic drug heroin
or a mixture or substance containing a detectable amount of heroin or of its
analogues upon 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 be served without benefit of probation or suspension of
sentence, and may, in addition, be required to pay a fine of not more than fifty
thousand dollars; 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
forty years and may, in addition, be required to pay a fine of not more than fifty
thousand dollars.

(b) A substance classified in Schedule I that is the narcotic drug heroin or a
mixture or substance containing a detectable amount of heroin or of its analogues
upon conviction of a second or subsequent offense shall be sentenced to a term of
imprisonment at hard labor for not less than ten nor more than ninety-nine years, at
least ten years of which shall be served without benefit of probation or suspension
of sentence, and may, in addition, be required to pay a fine of not more than fifty
thousand dollars.

C. Possession. It is unlawful for any person knowingly or intentionally to
possess a controlled dangerous substance classified in Schedule I unless such
substance was obtained directly, or pursuant to a valid prescription or order, from a
practitioner or as provided in R.S. 40:978, while acting in the course of his
professional practice, or except as otherwise authorized by this Part. Any person who
violates this Subsection with respect to:

(1) A substance classified in Schedule I which is a narcotic drug (all
substances in Schedule I preceded by an asterisk), shall be imprisoned at hard labor
for not less than four years nor more than ten years and may, in addition, be required
to pay a fine of not more than five thousand dollars. Except as otherwise provided
in Paragraphs (2), (3), and (4) of this Subsection, a substance classified in
Schedule I for an amount of:

(a) An aggregate weight of less than two grams, shall be imprisoned, with
or without hard labor, for not more than two years and may, in addition, be
required to pay a fine of not more than five thousand dollars.

(b) An aggregate weight of two grams or more but less than twenty-eight
grams, shall be imprisoned, with or without hard labor, for not less than one
year nor more than ten years and may, in addition, be required to pay a fine of
not more than five thousand dollars.
(2) Phencyclidine, shall be sentenced to imprisonment with or without hard labor for not less than five nor more than twenty years and may be sentenced to pay a fine of not more than five thousand dollars, or both.

(3) Any other controlled dangerous substance classified in Schedule I, shall be imprisoned at hard labor for not more than ten years, and may in addition, be required to pay a fine of not more than five thousand dollars.

D. Other penalties for possession. (1) Except as otherwise authorized in this Part:

(a) Any person who knowingly or intentionally possesses twenty-eight grams or more, but less than two hundred grams, of a narcotic drug (all substances in Schedule I preceded by an asterisk "*"), shall be sentenced to serve a term of imprisonment at hard labor of not less than five years, nor more than thirty years, and to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty thousand dollars.

(b) Any person who knowingly or intentionally possesses two hundred grams or more, but less than four hundred grams, of a narcotic drug (all substances in Schedule I preceded by an asterisk "*"), shall be sentenced to serve a term of imprisonment at hard labor of not less than ten years, nor more than thirty years, and to pay a fine of not less than one hundred thousand dollars, nor more than three hundred fifty thousand dollars.

(c) Any person who knowingly or intentionally possesses four hundred grams or more of a narcotic drug (all substances in Schedule I preceded by an asterisk "*"), shall be sentenced to serve a term of imprisonment at hard labor of not less than fifteen years, nor more than thirty years, and to pay a fine of not less than two hundred fifty thousand dollars, nor more than six hundred thousand dollars.

E.(1) Possession of marijuana:

(a) Except as provided in Subsection F of this Section, on a conviction for violation of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol, or chemical derivatives thereof, the offender shall be punished as follows:
(2) A substance classified in Schedule I that is marijuana, tetrahydrocannabinol, or chemical derivatives thereof, shall be punished as follows:

(i)(a) On a first conviction, wherein the offender possesses fourteen grams or less, the offender shall be fined not more than three hundred dollars, imprisoned in the parish jail for not more than fifteen days, or both.

(iii)(b) On a first conviction, wherein the offender possesses more than fourteen grams, the offender shall be fined not more than five hundred dollars, imprisoned in the parish jail for not more than six months, or both.

(iii)(c) Any person who has been convicted of a violation of sentenced under the provisions of item (i) or (ii) of this Subparagraph (a) or (b) of this Paragraph and who has not been convicted of any other violation of a statute or ordinance prohibiting the possession of marijuana for a period of two years from the date of completion of sentence, probation, parole, or suspension of sentence shall not be eligible to have the conviction used as a predicate conviction for enhancement purposes. The provisions of this Subparagraph Paragraph shall occur only once with respect to any person.

(b) Except as provided in Subsection F of this Section, on a second conviction for violation of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof, the offender shall be fined not more than one thousand dollars, imprisoned in the parish jail for not more than six months, or both.

(d) On a second conviction the offender shall be fined not more than one thousand dollars, imprisoned in the parish jail for not more than six months, or both.

(e)(i) Except as provided in Subsection F of this Section, on a third conviction for violation of Subsection C of this Section with regard to marijuana, tetrahydrocannabinol or chemical derivatives thereof, the offender shall be sentenced to imprisonment with or without hard labor for not more than two years, shall be fined not more than two thousand five hundred dollars, or both.
(e)(i) On a third conviction the offender shall be sentenced to
imprisonment, with or without hard labor, for not more than two years, shall
be fined not more than two thousand five hundred dollars.

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

(d)(i) Except as provided in Subsection F of this Section, on a fourth or
subsequent conviction for violation of Subsection C of this Section with regard to
marijuana, tetrahydrocannabinol or chemical derivatives thereof, the offender shall
be sentenced to imprisonment with or without hard labor for not more than eight
years, shall be fined not more than five thousand dollars, or both.

(f)(i) On a fourth or subsequent conviction the offender shall be
sentenced to imprisonment with or without hard labor for not more than eight
years, shall be fined not more than five thousand dollars, or both.

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

 exce( leasing in Item (a)(iii) Subparagraph (c) of this
Paragraph, a conviction for the violation of any other statute or ordinance with the
same elements as Subsection C of this Section prohibiting the possession of
marijuana, tetrahydrocannabinol or chemical derivatives thereof, shall be considered
as a prior conviction for the purposes of this Subsection relating to penalties for
second, third, or subsequent offenders.

 exce( leasing in Item (a)(iii) Subparagraph (c) of this
Paragraph, a conviction for the violation of any other statute or ordinance with the
same elements as Paragraph (B)(c) (B)(2) of this Section prohibiting the distributing
or dispensing or possession with intent to distribute or dispense marijuana,
tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall

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be considered as a prior conviction for the purposes of this Subsection relating to penalties for second, third, or subsequent offenders.

(2) Possession of synthetic cannabinoids. (a) Except as provided in Subsections F and G of this Section, on a first conviction for violation of Subsection C of this Section with regard to synthetic cannabinoids, the offender shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

(b) Except as provided in Subsections F and G of this Section, on a second conviction for violation of Subsection C of this Section with regard to synthetic cannabinoids, the offender shall be fined not less than two hundred fifty dollars nor more than two thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

(c) Except as provided in Subsections F and G of this Section, on a third or subsequent conviction for violation of Subsection C of this Section with regard to synthetic cannabinoids, the offender shall be sentenced to imprisonment with or without hard labor for not more than twenty years, and may, in addition, be fined not more than five thousand dollars.

(d) A conviction for the violation of any other provision of law or ordinance with the same elements as Subsection C of this Section prohibiting the possession of synthetic cannabinoids shall be considered a prior conviction for the purposes of this Paragraph relating to penalties for second, third, or subsequent offenses.

(3) A substance classified in Schedule I which is a synthetic cannabinoid, the offender shall be punished as follows:

(a) On a first conviction, the offender shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

(b) On a second conviction, the offender shall be fined not less than two hundred fifty dollars nor more than two thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

(c) On a third or subsequent conviction, the offender shall be sentenced to imprisonment at hard labor for not more than twenty years, and may, in
addition, be fined not more than five thousand dollars.

(d) A conviction for the violation of any other provision of law or ordinance with the same elements as this Subsection prohibiting the possession of synthetic cannabinoids shall be considered a prior conviction for the purposes of this Paragraph relating to penalties for second, third, or subsequent offenses.

(e) A conviction for the violation of any other provision of law or ordinance with the same elements as Paragraph (B)(2) of this Section prohibiting the distributing or dispensing or possession with intent to distribute or dispense synthetic cannabinoids shall be considered a prior conviction for the purposes of this Paragraph relating to penalties for second, third, or subsequent offenses.

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

(4) A substance classified in Schedule I that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or of its analogues, or fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, upon conviction for an amount:

(a) An aggregate weight of less than two grams, shall be sentenced to a term of imprisonment, with or without hard labor, for not less than two years nor more than four years.

(b) An aggregate weight of two grams or more but less than twenty-eight grams, shall be sentenced to a term of imprisonment, with or without hard labor, for not less than two years nor more than ten years and may, in addition be required to pay a fine of not more than five thousand dollars.

F. Except as otherwise authorized in this Part:

(1) Any person who knowingly or intentionally possesses two and one-half pounds or more, but less than sixty pounds of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve a term of imprisonment with or without hard labor of not less than two years, nor
more than ten years, and to pay a fine of not less than ten thousand dollars nor more
than thirty thousand dollars.

(2) Any person who knowingly or intentionally possesses sixty pounds or
more, but less than two thousand pounds of marijuana, tetrahydrocannabinol or
chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve
a term of imprisonment at hard labor of not less than five years, nor more than thirty
years, and to pay a fine of not less than fifty thousand dollars nor more than one
hundred thousand dollars.

(3) Any person who knowingly or intentionally possesses two thousand
pounds or more, but less than ten thousand pounds of marijuana;
tetrahydrocannabinol or chemical derivatives thereof; or synthetic cannabinoids shall
be sentenced to serve a term of imprisonment at hard labor of not less than ten years
nor more than forty years, and to pay a fine of not less than one hundred thousand
dollars nor more than four hundred thousand dollars.

(4) Any person who knowingly or intentionally possesses ten thousand
pounds or more of marijuana, tetrahydrocannabinol or chemical derivatives thereof;
or synthetic cannabinoids shall be sentenced to serve a term of imprisonment at hard
labor of not less than twenty-five years, nor more than forty years and to pay a fine
of not less than four hundred thousand dollars nor more than one million dollars:

G. With respect to any person to whom the provisions of Subsections D and
F of this Section are applicable, the adjudication of guilt or imposition of sentence
shall not be suspended, deferred, or withheld, nor shall such person be eligible for
probation or parole prior to serving the minimum sentences provided by Subsection
D or F of this Section:

D. If a person knowingly or intentionally possesses a controlled substance
as classified in Schedule I, unless such substance was obtained directly or
pursuant to a valid prescription or order from a practitioner, as provided in
R.S. 40:978, while acting in the course of his professional practice, where the
amount of the controlled substance is equal to or above the following weights,
it shall be considered a violation of Subsection A of this Section:
(1) For marijuana, tetrahydrocannabinol, synthetic cannabinoids, or chemical derivatives thereof, two and one-half pounds.

(2) For any other Schedule I controlled substance, twenty-eight grams.

H. Notwithstanding any other provision of law to the contrary, unless eligible for parole at an earlier date, a person committed to the Department of Public Safety and Corrections serving a life sentence for the production, manufacturing, distribution, or dispensing or possessing with intent to produce, manufacture, or distribute heroin shall be eligible for parole consideration upon serving at least fifteen years of imprisonment in actual custody.

I. Immunity from prosecution. Any person who is a patient of the state-sponsored medical marijuana program in Louisiana, and who possesses medical marijuana in a form permissible under R.S. 40:1046 for a condition enumerated therein, a caregiver as defined in R.S. 15:1503, or any person who is a domiciliary parent of a minor child who possesses medical marijuana on behalf of his minor child in a form permissible under R.S. 40:1046 for a condition enumerated therein pursuant to a legitimate medical marijuana prescription or recommendation, shall not be subject to prosecution for possession or distribution of marijuana under this Section for possessing medical marijuana or dispensing medical marijuana to his minor child who is a patient of the state-sponsored medical marijuana program. This defense must be raised in accordance with R.S. 40:991, and the defendant bears the burden of proof of establishing that the possession or distribution of the marijuana was in accordance with the state-sponsored medical marijuana program.

G. Treatment for heroin and fentanyl addiction as a condition for probation. (1) Upon conviction of Paragraph (B)(3) or (C)(4) of this Section, possession with intent to distribute heroin or fentanyl or possession of heroin or fentanyl, the court may suspend any sentence which it imposes and place the defendant on probation pursuant to Code of Criminal Procedure Article 893. The court may order the division of probation and parole of the Department of Public Safety and Corrections to conduct a presentence investigation, or may order the defendant to obtain a substance abuse evaluation, for the purpose of
determining whether the defendant has a substance abuse disorder.

(2) Upon receiving the report or evaluation, the court shall, if it finds probable cause from such report to believe the defendant has a substance abuse disorder, order a contradictory hearing for the purpose of making a judicial determination on whether the defendant has a substance abuse disorder.

(3) If, at such contradictory hearing, the court determines that the defendant has a substance abuse disorder, it shall require as a condition of probation that the defendant complete a drug treatment program if the following conditions are met:

(a) There is an available program in the local jurisdiction that has sufficient experience in working with criminal justice participants with substance abuse disorders and is certified and approved by the state of Louisiana.

(b) The cost of the approved treatment does not create a substantial financial hardship to the defendant or his dependents. For purposes of this determination, "substantial financial hardship" shall have the same meaning as provided in R.S. 15:175.

(4) If the offender does not successfully complete the drug treatment program, or otherwise violates the conditions of his probation, the court may revoke the probation or impose other sanctions pursuant to Code of Criminal Procedure Article 900.

§967. Prohibited acts-Schedule II, penalties

B. Penalties for violation Violations of Subsection A. Except as provided in Subsection F, any Any person who violates Subsection A of this Section with respect to:

(1)Except as otherwise provided in Paragraphs (2) and (3) of this Subsection, a substance classified in Schedule II which is an amphetamine or methamphetamine or which is a narcotic drug, except cocaine or cocaine base or a mixture or substance containing cocaine or its analogues as provided in Schedule

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II(A)(4) of R.S. 40:964 and except oxycodone as provided in Schedule II(A)(1)(o)
of R.S. 40:964 and except methadone as provided in Schedule II(B)(11) of R.S.
40:964 shall be sentenced to a term of imprisonment at hard labor for not less than
two years nor more than thirty years; and may, in addition, be sentenced to pay a fine
of not more than fifty thousand dollars. for an amount of:

(a) An aggregate weight of less than twenty-eight grams, shall be
imprisoned, with or without hard labor, for not less than one year nor more
than ten years and may, in addition, be fined not more than fifty thousand
dollars.

(b) An aggregate weight of twenty-eight grams or more, shall be
imprisoned at hard labor for not less than one year nor more than twenty years
and may, in addition, be fined not more than fifty thousand dollars.

(2) Pentazocine, shall be sentenced to imprisonment at hard labor for not less
than two years nor more than ten years; at least two years of which shall be served
without benefit of parole, probation, or suspension of sentence, and, in addition, may
be sentenced to pay a fine of not more than fifteen thousand dollars.

(3)(a) Production or manufacturing of amphetamine or methamphetamine
shall be sentenced to imprisonment at hard labor for not less than ten years nor more
than thirty years, at least ten years of which shall be served without benefit of parole,
probation, or suspension of sentence, and in addition may be sentenced to pay a fine
of not more than five hundred thousand dollars.

(b) This Subparagraph shall be cited as the "Child Endangerment Law."
When the state proves in addition to the elements of the crime as set forth in
Subsection A of this Section that a minor child twelve years of age or younger is
present in the home, mobile home or other inhabited dwelling at the time of the
commission of the offense, the minimum mandatory sentence shall be fifteen years
without benefit of parole, probation, or suspension of sentence.

(4)(a) Production or manufacturing of cocaine or cocaine base or a mixture
or substance containing cocaine or its analogues as provided in Schedule II(A)(4) of
R.S. 40:964 or oxycodone as provided in Schedule II(A)(1)(o) Schedule II (A)(1)(p)

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of R.S. 40:964 or methadone as provided in Schedule II(B)(11) or Schedule II(B)(15)
of R.S. 40:964 shall be sentenced to imprisonment at hard labor for not less than ten
nor more than thirty years, at least ten years of which shall be served without benefit
of parole, probation, or suspension of sentence, and may be fined not more than five
hundred thousand dollars.

(b) Distribution, dispensing, or possession with intent to produce,
manufacture, distribute, or dispense cocaine or cocaine base or a mixture or
substance containing cocaine or its analogues as provided in Schedule II(A)(4) of
R.S. 40:964 or oxycodone as provided in Schedule II(A)(1)(o) of R.S. 40:964 or
methadone as provided in Schedule II(D)(11) of R.S. 40:964 shall be sentenced to
a term of imprisonment at hard labor for not less than two years nor more than thirty
years, with the first two years of said sentence being without benefit of parole,
probation, or suspension of sentence; and may, in addition, be sentenced to pay a fine
of not more than fifty thousand dollars.

(5) Any other controlled dangerous substance classified in Schedule II except
pentazocine, amphetamine, methamphetamine, cocaine, or oxycodone, or methadone
shall be sentenced to a term of imprisonment at hard labor for not more than ten
years, and in addition may be sentenced to pay a fine of not more than fifteen
thousand dollars.

C. Possession. It is unlawful for any person knowingly or intentionally to
possess a controlled dangerous substance as classified in Schedule II unless such
substance was obtained directly or pursuant to a valid prescription or order from a
practitioner, as provided in R.S. 40:978 while acting in the course of his professional
practice, or except as otherwise authorized by this Part. Any person who violates
this Subsection with respect to:

(1) Any person who violates this Subsection with respect to pentazocine shall
be imprisoned with or without hard labor for not less than two years and for not more
than five years and, in addition, may be sentenced to pay a fine of not more than five
thousand dollars.

An aggregate weight of less than two grams, shall be imprisoned, with
or without hard labor, for not more than two years and, in addition, may be
sentenced to pay a fine of not more than five thousand dollars.

(2) Any person who violates this Subsection as to any other controlled
dangerous substance shall be imprisoned with or without hard labor for not more
than five years and, in addition, may be sentenced to pay a fine of not more than five
thousand dollars.

An aggregate weight of two grams or more but less than twenty-eight
grams shall be imprisoned, with or without hard labor, for not less than one
year nor more than five years and, in addition, may be sentenced to pay a fine
of not more than five thousand dollars.

(3) Phencyclidine, for an amount of an aggregate weight of less than
twenty-eight grams, shall be imprisoned at hard labor for not less than one
year nor more than twenty years, or required to pay a fine of not more than five
thousand dollars, or both.

D. If a person knowingly or intentionally possesses a controlled substance
as classified in Schedule II, unless such substance was obtained directly or
pursuant to a valid prescription or order from a practitioner, as provided in
R.S. 40:978 while acting in the course of his professional practice, where the
amount of the controlled substance is an aggregate weight of twenty-eight grams
or more, it shall be considered a violation of Subsection A of this Section.

§968. Prohibited acts-Schedule III; penalties

B. Penalties for violation Violations of Subsection A. Any person who
violates Subsection A of this Section with respect to any controlled dangerous
substance classified in Schedule III shall be sentenced to a term of imprisonment, at
with or without hard labor, for not less than one year nor more than ten years; and,
in addition, may be sentenced to pay a fine of not more than fifteen thousand dollars.

C. Possession. It is unlawful for any person knowingly or intentionally to
possess a controlled dangerous substance classified in Schedule III unless such
substance was obtained directly or pursuant to a valid prescription or order from a 
practitioner, or as provided in R.S. 40:978 or R.S. 40:1239 R.S. 40:1060.21, while 
acting in the course of his professional practice or except as otherwise authorized by 
this Part. Any person who violates this Subsection shall be imprisoned, with or 
without hard labor, for not less than one year nor more than five years and, in 
addition, may be required to pay a fine of not more than five thousand dollars.

§969. Prohibited acts-Schedule IV; penalties

* * *

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

(1) Flunitrazepam shall be sentenced to a term of imprisonment at hard labor for not less than five years one year nor more than thirty two years and pay a fine of not more than fifty thousand dollars.

(2) Any other controlled dangerous substance classified in Schedule IV, except flunitrazepam, shall be sentenced to a term of imprisonment, at with or without hard labor, for not less than one year nor more than ten years; and, in addition, may be sentenced to pay a fine of not more than fifteen thousand dollars.

C. Possession. It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance classified in Schedule IV unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, or as provided in R.S. 40:978, while acting in the course of his professional practice or except as otherwise authorized by this Part. Any person who violates this Subsection with respect to:

(1) Flunitrazepam shall be imprisoned, at with or without hard labor, for not less than one year nor more than ten years, and may, in addition, be required to pay a fine of not more than five thousand dollars.

(2) Any other controlled dangerous substance shall be imprisoned with or without hard labor for not less than one year nor more than five years and, in addition, may be required to pay a fine of not more than five thousand dollars.

* * *

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§970. Prohibited acts-Schedule V; penalties

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B. Penalties for violation of Subsection A. Any person who violates Subsection A of this Section with respect to any controlled dangerous substance classified in Schedule V shall be sentenced to a term of imprisonment, of five years, at

with or without hard labor, for not less than one year nor more than five years; and, in addition, may be sentenced to pay a fine of not more than five thousand dollars.

C. Possession. It is unlawful for any person unknowingly or intentionally to possess a controlled dangerous substance classified in Schedule V unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, or as provided in R.S. 40:978, while acting in the course of his professional practice or except as otherwise authorized by this Part. Any person who violates this section shall be imprisoned with or without hard labor for not less than one year nor more than five years; and, in addition, may be required to pay a fine of not more than five thousand dollars.

Section 3. 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) are hereby repealed in their entirety.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________

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