

2021 Regular Session

SENATE BILL NO. 69

BY SENATOR MIZELL

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

CONTROL DANGER SUBSTANCE. Creates the crime of aggravated distribution of a controlled dangerous substance. (gov sig)

1 AN ACT

2 To enact Code of Criminal Procedure Article 814(A)(69), R.S. 14:2(B)(56), and R.S.

3 40:981.4, relative to controlled dangerous substances; to create the crime of

4 aggravated distribution of a controlled dangerous substance; to designate aggravated

5 distribution of a controlled dangerous substance a crime of violence; to provide

6 relative to responsive verdicts; to provide relative to definitions; to provide penalties;

7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:981.4 is hereby enacted to read as follows:

10 **§981.4. Aggravated distribution of a controlled dangerous substance**

11 **A. Aggravated distribution of a controlled dangerous substance is the**

12 **distribution or dispensing of a controlled dangerous substance, or any**

13 **combination thereof, as provided for in this Part, under any of the following**

14 **circumstances:**

15 **(1) The offender unlawfully distributes or dispenses a controlled**

16 **dangerous substance that is the direct cause of serious bodily injury to the**

17 **recipient who ingested or consumed the controlled dangerous substance.**

consumed the controlled dangerous substance.

- (2) The offender unlawfully distributes or dispenses a controlled dangerous substance to another who subsequently distributes or dispenses such controlled dangerous substance that is the direct cause of serious bodily injury to the recipient who ingested or consumed the controlled dangerous substance.
- (3) The offender unlawfully distributes or dispenses a controlled dangerous substance that the offender knows or should have known has been laced with fentanyl, carfentanil, or any other foreign substance that substantially increases the likelihood of death or serious bodily injury from use.

Proposed law provides that the crime of aggravated distribution of a controlled dangerous substance is punishable by imprisonment at hard labor for between five and 40 years, at least two years of which must be imposed without benefit of probation, parole, or suspension of sentence. Proposed law further provides that in addition to imprisonment, the offender may be fined up to \$50,000.

Proposed law defines the term "serious bodily injury", by reference to present law relative to crimes of violence, as bodily injury that involves unconsciousness, extreme physical pain, protracted and obvious disfigurement, protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death. Proposed law further provides that "serious bodily injury" includes any injury that requires the administration of naloxone or other opioid antagonist, or requires emergency medical services.

Present law defines a "crime of violence" for purposes of present law.

Proposed law retains present law and adds that the crime of aggravated distribution of a controlled dangerous substance is a crime of violence.

Present law provides relative to responsive verdicts in criminal trials.

Proposed law retains present law and adds that the only responsive verdicts that may be rendered when the indictment charges aggravated distribution of a controlled dangerous substance are:

- (1) Guilty of attempted aggravated distribution of a controlled dangerous substance.
- (2) Guilty of distribution of a controlled dangerous substance.
- (3) Guilty of attempted distribution of a controlled dangerous substance.
- (4) Guilty of possession of a controlled dangerous substance.
- (5) Guilty of attempted possession of a controlled dangerous substance.
- (6) Not guilty.
- (7) Guilty.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds C.Cr.P. Art. 814(A)(69), R.S. 14:2(B)(56), and R.S. 40:981.4)