

2022 Regular Session

HOUSE BILL NO. 844

BY REPRESENTATIVE ADAMS

CONTROLLED SUBSTANCES: Provides relative to penalties for distribution or possession with intent to distribute heroin and fentanyl and carfentanil

1 AN ACT

2 To amend and reenact R.S. 40:966(B)(3) and (G) and 967(B)(4) and (E)(1), relative to the  
3 Uniform Controlled Dangerous Substances Law; to provide relative to penalties for  
4 distribution or possession with intent to distribute heroin; to provide relative to  
5 penalties for distribution or possession with intent to distribute fentanyl and  
6 carfentanil; to increase the minimum term of imprisonment; to provide relative to  
7 penalties when substantial assistance is provided; to provide relative to treatment for  
8 heroin and fentanyl or carfentanil as a condition of probation; to provide for an  
9 effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:966(B)(3) and (G) and 967(B)(4) and (E)(1) are hereby amended  
12 and reenacted to read as follows:

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

16 \* \* \*

17 B. Violations of Subsection A. Any person who violates Subsection A of this  
18 Section with respect to:

19 \* \* \*



1 §967. Prohibited acts--Schedule II, penalties

2 \* \* \*

3 B. Violations of Subsection A. Any person who violates Subsection A of  
4 this Section with respect to:

5 \* \* \*

6 (4) Fentanyl or a mixture or substance containing a detectable amount of  
7 fentanyl or its analogues, or carfentanil or a mixture or substance containing a  
8 detectable amount of carfentanil or its analogues, upon conviction for any amount,  
9 shall be imprisoned at hard labor for not less than ~~five~~ ten years nor more than forty  
10 years and may, in addition, be required to pay a fine of not more than fifty thousand  
11 dollars. However, in the event the state determines the defendant has provided  
12 substantial assistance to the state or a law enforcement agency in connection with the  
13 investigation or enforcement of the provisions of the Uniform Controlled Dangerous  
14 Substances Law or the provisions of the Controlled Substances Act of 1970 as  
15 amended (21 U.S.C. 801 et seq.), the state or district attorney may, prior to  
16 imposition of sentence, file in the court record of the proceeding a Notice of  
17 Providing Substantial Assistance or a motion stating that the defendant has provided  
18 substantial assistance as described in this Paragraph. If the state or district attorney  
19 files a Notice of Providing Substantial Assistance or motion stating the defendant has  
20 provided substantial assistance, the court shall make a determination or finding on  
21 the court record of the proceeding stating whether the defendant has provided such  
22 substantial assistance. If the court determines the defendant has provided substantial  
23 assistance, the court may impose a sentence of imprisonment at hard labor for not  
24 less than five years nor more than twenty years, and in addition may require the  
25 defendant to pay a fine of not more than twenty thousand dollars.

26 \* \* \*

27 E. Treatment for fentanyl or carfentanil addiction as a condition for  
28 probation.



five years nor more than 20 years, and in addition may require the defendant to pay a fine of not more than \$20,000.

Present law authorizes the court to suspend any sentence imposed upon a defendant and place the defendant on probation upon conviction of possession with intent to distribute heroin or possession of heroin, possession with intent to distribute fentanyl or carfentanil, or possession of fentanyl or carfentanil.

Proposed law removes the authority of the court to suspend any sentence imposed upon a defendant and place the defendant on probation upon conviction of possession with intent to distribute heroin and possession with intent to distribute fentanyl or carfentanil.

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

(Amends R.S. 40:966(B)(3) and (G) and 967(B)(4) and (E)(1))