SLS 14RS-497 **ORIGINAL**

Regular Session, 2014

SENATE BILL NO. 87

BY SENATOR CLAITOR

CONTROL DANGER SUBSTANCE. Increases the maximum term of imprisonment for possession or distribution of heroin to 99 years. (gov sig)

AN ACT

To amend and reenact R.S. 40:966(B), relative to penalties for certain drug offenses; to increase the maximum term of imprisonment allowed for the manufacture, distribution, or possession with intent to distribute heroin to ninety-nine years; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:966(B) is hereby amended and reenacted 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 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) of this Subsection, a** ~~A~~ substance classified in Schedule I ~~which~~ **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 five nor more than fifty years**,** ~~at hard~~

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~~labor~~ at least five 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.

(2) Except as otherwise provided in Paragraph (3) of this Subsection, any other controlled dangerous substance classified in Schedule I, ~~shall~~ upon conviction **shall** 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~~ **that** is marijuana, tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols, or synthetic cannabinoids ~~shall~~ upon conviction **shall** 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.

(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 upon conviction shall be sentenced to a term of imprisonment at hard labor for not less than five nor more than ninety-nine years, at least five 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.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

Claitor (SB 87)

Present law provides that any person convicted of manufacturing, distributing, or possessing with the intent to distribute certain narcotic drugs, including heroin, is to be sentenced to imprisonment at hard labor for a term of not less than five nor more than 50 years, at least five years of which must be served without benefit of probation or suspension of sentence, and may also be fined up to $50,000.

Proposed law increases the maximum term of imprisonment at hard labor for the manufacture, distribution, or possession with intent to distribute heroin from 50 years to 99 years.

Proposed law otherwise retains present law.

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

(Amends R.S. 40:966(B))

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