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

DIGEST

Mills (SB 256)

Present law (Uniform Controlled Dangerous Substances Law) provides penalties for the production, manufacture, distribution, possession with intent to distribute, and simple possession of certain controlled dangerous substances (Schedule II drugs).

Present law provides that any person who illegally produces, manufactures, distributes, or possesses with intent to distribute certain Schedule II drugs that are amphetamines or narcotics, except cocaine, oxycodone, methadone, and pentazocine, is to be imprisoned at hard labor for between two and 30 years, and may also be fined up to \$50,000.

Present law provides that any person who illegally distributes or possesses with intent to distribute cocaine, oxycodone, or methadone is to be imprisoned at hard labor for between two and 30 years, with the first two years without benefit of parole, probation, or suspension of sentence, and may be fined up to \$50,000.

Present law provides that any person who illegally produces, manufactures, distributes, or possesses with intent to distribute the Schedule II drug pentazocine is to be sentenced to imprisonment at hard labor for between two and 10 years, at least two years of which must be served without benefit of parole, probation, or suspension of sentence, and may be fined up to \$15,000.

Proposed law deletes certain exceptions and separate penalties for cocaine, oxycodone, methadone, and pentazocine, and provides that any person who illegally distributes or possesses with intent to distribute cocaine, oxycodone, or methadone, or who produces, manufactures, distributes, or possesses with intent to distribute any other Schedule II drug, is to be imprisoned at hard labor for between two and 30 years, and may also be fined up to \$50,000.

Present law provides that any person who illegally produces or manufactures amphetamine or methamphetamine is to be sentenced to imprisonment at hard labor for between 10 and 30 years, at least 10 years of which must be served without benefit of parole, probation, or suspension of sentence, and may be fined up to \$500,000.

Proposed law deletes the requirement that at least 10 years of the sentence of imprisonment must be served without benefit of parole, probation, or suspension of sentence. Proposed law otherwise retains present law.

Present law (Child Endangerment Law) provides that when the state proves, in addition to the elements of the present law crime of illegal manufacture, distribution, or possession with intent to distribute certain Schedule II drugs, that a minor child 12 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 is to be 15 years without benefit of parole, probation, or suspension of sentence.

Proposed law changes the mandatory minimum sentence under the Child Endangerment Law from 15 years to 10 years. Proposed law otherwise retains present law.

Present law provides that any person who illegally produces or manufactures cocaine, oxycodone, and methadone is to be sentenced to imprisonment at hard labor for between 10 and 30 years, at least 10 years of which must be served without benefit of parole, probation, or suspension of sentence, and may be fined up to \$500,000.

Present law provides penalties for simple possession of certain Schedule II drugs.

Present law provides that any person who illegally possesses any Schedule II drug except pentazocine is to be imprisoned, with or without hard labor, for up to five years, and may be fined up to \$5,000.

Present law provides that any person who illegally possesses pentazocine is to be imprisoned, with or without hard labor, for between two and five years, and may be fined up to \$5,000.

Proposed law deletes the two year minimum sentence for possession of pentazocine, and provides that any person who illegally possess any Schedule II drug is to be imprisoned, with or without hard labor, for up to five years, and may be fined up to \$5,000.

Present law provides penalties for possession of 28 grams or more but less than 200 grams of cocaine.

Proposed law deletes present law such that general proposed law penalties for possession apply.

Present law provides that any person who knowingly or intentionally possesses 200 grams or more, but less than 400 grams, of cocaine is to be imprisoned at hard labor for between 10 and 30 years, and fined between \$100,000 and \$350,000.

Proposed law retains present law.

Present law provides that any person who knowingly or intentionally possesses 400 grams or more of cocaine is to be imprisoned at hard labor for between 15 and 30 years and fined between \$250,000 and \$600,000.

Proposed law retains present law.

Present law provides penalties for possession of 28 grams or more but less than 200 grams of amphetamine or methamphetamine.

Proposed law deletes present law such that general proposed law penalties for possession apply.

Present law provides that any person who knowingly or intentionally possesses 200 grams or more but less than 400 grams of amphetamine or methamphetamine is to be imprisoned at hard labor for between 10 and 30 years, and fined between \$100,000 and \$350,000.

Proposed law retains present law.

Present law provides that any person who knowingly or intentionally possesses 400 grams or more of amphetamine or methamphetamine is to be imprisoned at hard labor for between 15 and 30 years, and fined between \$250,000 and \$600,000.

Proposed law retains present law.

Present law provides penalties for possession of 28 grams or more but less than 200 grams of gamma hydroxybutyric acid.

Proposed law deletes present law such that general proposed law penalties for possession apply.

Present law provides that any person who knowingly or intentionally possesses 200 grams or more, but less than 400 grams of gamma hydroxybutyric acid is to be imprisoned at hard labor for between 10 and 30 years, and fined between \$100,000 and \$350,000.

Proposed law retains present law.

Present law provides that any person who knowingly or intentionally possesses 400 grams or more of gamma hydroxybutyric acid is to be imprisoned at hard labor for between 15 and 30 years, and fined between \$250,000 and \$600,000.

Proposed law retains present law.

Effective August 1, 2014.

(Amends R.S. 40:967(B), (C), and (F))