

SENATE BILL NO. 87

BY SENATORS CLAITOR, ALARIO, AMEDEE, DONAHUE, ERDEY, GARY SMITH,  
TARVER AND WARD

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AN ACT

To amend and reenact R.S. 40:966(B)(1) and to enact R.S. 40:966(B)(4), relative to 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)(1) is hereby amended and reenacted and R.S. 40:966(B)(4) is 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 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**  
~~▲~~ 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~~ **ten** nor more than fifty years, ~~at hard labor~~ at least ~~five~~ **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.

\* \* \*

**(4)(a) 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**

1           imprisonment at hard labor for not less than ten nor more than fifty years, at  
 2           least ten years of which shall be served without benefit of probation or  
 3           suspension of sentence, and may, in addition, be required to pay a fine of not  
 4           more than fifty thousand dollars.

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

\* \* \*

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_