

SENATE BILL NO. 220

BY SENATORS ALARIO AND BISHOP AND REPRESENTATIVES ABRAHAM, BAGNERIS, BILLIOT, BOUIE, CARPENTER, GARY CARTER, COX, GAINES, GLOVER, HALL, JIMMY HARRIS, HOFFMANN, HUNTER, JACKSON, JAMES, JORDAN, TERRY LANDRY, LEGER, LYONS, MAGEE, MARCELLE, MARINO, MORENO, NORTON, PIERRE AND SMITH

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

1 AN ACT

2 To amend and reenact R.S. 14:52(B), 54.1(B), 56(B)(1) and (2), 62.2(B), 62.8(B), 67(B),
3 67.25(D), 67.26(C), 68(B), 68.4(B), 68.7(B)(1), 69(B) and (C), 70.2(C), 70.4(E),
4 71(C), (D), (E), (F), and (G), 82(C)(3), 95.1(B), 202.1(C), and 230(E)(4) and R.S.
5 40:966(B), (C), (D), (E), (F), and (G), 967(B) and (C), 968(B) and (C), 969(B) and
6 (C), and 970(B) and (C), to enact R.S. 14:69(D) and Chapter 3 of Title 14 of the
7 Louisiana Revised Statutes of 1950, comprised of R.S. 14:601, and R.S.
8 40:967(C)(3) and (D), and to repeal R.S. 14:2(B)(8), (25), and (29), 56.1, 56.2, 56.3,
9 62.1, 62.6, 62.9, 67.1, 67.2, 67.3, 67.6, 67.7, 67.8, 67.9, 67.10, 67.18, 67.20, 67.21,
10 67.24, 67.25(E), 67.28, 67.30, 68.5, 71(H) and (I), and 211 and R.S. 40:966(G), (H)
11 and (I) and 967(F) and (G), relative to felony and misdemeanor offenses; to provide
12 relative to penalties for certain felony and misdemeanor offenses; to provide relative
13 to legislative findings and intent; to provide relative to create and provide for the
14 membership, duties, and reporting requirements of the Louisiana Felony Class
15 System Task Force; and to provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 14:52(B), 54.1(B), 56(B)(1) and (2), 62.2(B), 62.8(B), 67(B),
18 67.25(D), 67.26(C), 68(B), 68.4(B), 68.7(B)(1), 69(B) and (C), 70.2(C), 70.4(E), 71(C), (D),
19 (E), (F), and (G), 82(C)(3), 95.1(B), 202.1(C), and 230(E)(4) are hereby amended and
20 reenacted and R.S. 14:69(D) and Chapter 3 of Title 14 of the Louisiana Revised Statutes of
21 1950, comprised of R.S. 14:601 are hereby enacted to read as follows:

22 §52. Simple arson

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B. Whoever commits the crime of simple arson, where the damage done amounts to five hundred dollars or more, shall be fined not more than fifteen thousand dollars and imprisoned at hard labor for not ~~less than two years nor~~ more than fifteen years.

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§54.1. Communicating of false information of planned arson

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B. Whoever commits the crime of communicating of false information of arson or attempted arson shall be imprisoned at hard labor for not more than ~~twenty~~ **fifteen** years.

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§56. Simple criminal damage to property

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B.(1) Whoever commits the crime of simple criminal damage to property where the damage is less than ~~five hundred~~ **one thousand** dollars shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

(2) Where the damage amounts to ~~five hundred~~ **one thousand** dollars but less than fifty thousand dollars, the offender shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not more than two years, or both.

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§62.2. Simple burglary of an inhabited dwelling

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B. Whoever commits the crime of simple burglary of an inhabited dwelling shall be imprisoned at hard labor for not less than one year, ~~without benefit of parole, probation or suspension of sentence,~~ nor more than twelve years.

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§62.8. Home invasion

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1 offender in such cases has been convicted of theft two or more times previously,
 2 upon any subsequent conviction the offender shall be imprisoned, with or
 3 without hard labor, for not more than two years, or fined not more than two
 4 thousand dollars, or both.

5 §67.26. Theft of a motor vehicle

6 * * *

7 C.(1) Whoever commits the crime of theft of a motor vehicle when the
 8 misappropriation or taking amounts to a ~~sum of one thousand five hundred dollars~~
 9 ~~or more shall be imprisoned, with or without hard labor, for not more than ten years~~
 10 value of twenty-five thousand dollars or more shall be imprisoned at hard labor
 11 for not more than twenty years, or may be fined not more than ~~three~~ fifty thousand
 12 dollars, or both.

13 (2) Whoever commits the crime of theft of a motor vehicle when the
 14 misappropriation or taking amounts to a ~~sum of five hundred dollars or more but less~~
 15 ~~than one thousand five hundred dollars shall be imprisoned, with or without hard~~
 16 ~~labor, for not more than five years~~ value of five thousand dollars or more, but less
 17 than a value of twenty-five thousand dollars, shall be imprisoned, with or
 18 without hard labor, for not more than ten years, or may be fined not more than
 19 ~~two~~ ten thousand dollars, or both.

20 (3) Whoever commits the crime of theft of a motor vehicle when the
 21 misappropriation or taking amounts to a ~~sum of less than five hundred dollars shall~~
 22 ~~be imprisoned for not more than six months~~ value of one thousand dollars or more
 23 but less than a value of five thousand dollars shall be imprisoned, with or
 24 without hard labor, for not more than five years, or may be fined not more than
 25 ~~one~~ three thousand dollars, or both.

26 (4) When the misappropriation or taking amounts to less than a value of
 27 one thousand dollars, the offender shall be imprisoned for not more than six
 28 months, or fined not more than one thousand dollars, or both. If the offender
 29 in such cases has been convicted of theft two or more times previously, then
 30 upon any subsequent conviction the offender shall be imprisoned for not more

1 than two years, or fined not more than two thousand dollars, or both.

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3 §68. Unauthorized use of a movable

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5 B. Whoever commits the crime of unauthorized use of a movable having a
6 value of ~~five hundred~~ **one thousand** dollars or less shall be fined not more than five
7 hundred dollars, imprisoned for not more than six months, or both. Whoever
8 commits the crime of unauthorized use of a movable having a value in excess of ~~five~~
9 ~~hundred~~ **one thousand** dollars shall be fined not more than five thousand dollars,
10 imprisoned, with or without hard labor, for not more than ~~five~~ **two** years, or both.

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12 §68.4. Unauthorized use of a motor vehicle

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14 B. Whoever commits the crime of unauthorized use of a motor vehicle shall
15 be fined not more than five thousand dollars or imprisoned with or without hard
16 labor for not more than ~~ten~~ **two** years or both.

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18 §68.7. Receipts and universal product code labels; unlawful acts

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20 B.(1) Except as provided in ~~Paragraphs~~ **Paragraph** (3) ~~and (4)~~ of this
21 Subsection, whoever violates the provisions of this Section shall be subject to the
22 following penalties:

23 (a) When the fair market value of the goods which are the subject of the
24 falsified retail sales receipts or universal product code labels, as described in
25 Subsection A of this Section, ~~equals one thousand five hundred dollars or more,~~
26 ~~imprisonment, with or without hard labor, for not more than ten years~~ **amounts to**
27 **a value of twenty-five thousand dollars or more, the offender shall be**
28 **imprisoned at hard labor for not more than twenty years,** or a fine not to exceed
29 ~~three~~ **fined not more than fifty** thousand dollars, or both.

30 (b) When the fair market value of the goods which are the subject of the

1 falsified retail sales receipts or universal product code labels, as described in
 2 Subsection A of this Section, ~~equals five hundred dollars or more but less than one~~
 3 ~~thousand five hundred dollars, imprisonment, with or without hard labor, for not~~
 4 ~~more than five years~~ **amounts to a value of five thousand dollars or more, but less**
 5 **than a value of twenty-five thousand dollars, the offender shall be imprisoned,**
 6 **with or without hard labor, for not more than ten years,** or a ~~fine of~~ **fined** not
 7 more than ~~two~~ **ten** thousand dollars, or both.

8 (c) When the fair market value of the goods which are the subject of the
 9 falsified retail sales receipts or universal product code labels, as described in
 10 Subsection A of this Section, is less than five hundred dollars, imprisonment for not
 11 more than six months **amounts to a value of one thousand dollars or more but**
 12 **less than five thousand dollars, the offender shall be imprisoned, with or**
 13 **without hard labor, for not more than five years,** or a ~~fine not to exceed~~ **fined not**
 14 **more than** five hundred **three thousand** dollars, or both. If a person is convicted of
 15 violating the provisions of this Section in a manner consistent with this Subparagraph
 16 two or more times previously, upon any subsequent conviction, he shall be
 17 imprisoned, with or without hard labor, for not more than two years, or may be fined
 18 not more than two thousand dollars, or both.

19 (d) **When the fair market value of the goods which are the subject of the**
 20 **falsified retail sales receipts or universal product code labels, as described in**
 21 **Subsection A of this Section, amounts to a value of less than one thousand**
 22 **dollars, the offender shall be imprisoned for not more than six months, or fined**
 23 **not more than five hundred dollars, or both. If a person is convicted of theft**
 24 **two or more times previously, upon any subsequent conviction, he shall be**
 25 **imprisoned, with or without hard labor, for not more than two years, or fined**
 26 **not more than two thousand dollars, or both.**

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§69. Illegal possession of stolen things

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B.(1) Whoever commits the crime of illegal possession of stolen things, when

1 the value of the things is ~~one thousand five hundred dollars or more~~, shall be
 2 ~~imprisoned, with or without hard labor, for not more than ten years~~ **twenty-five**
 3 **thousand dollars or more, shall be imprisoned at hard labor for not more than**
 4 **twenty years**, or may be fined not more than ~~three~~ **fifty** thousand dollars, or both.

5 (2) When the value of the stolen things is ~~five hundred dollars or more, but~~
 6 ~~less than one thousand five hundred dollars, the offender shall be imprisoned, with~~
 7 ~~or without hard labor, for not more than five years~~ **five thousand dollars or more,**
 8 **but less than a value of twenty-five thousand dollars, the offender shall be**
 9 **imprisoned, with or without hard labor, for not more than ten years**, or may be
 10 fined not more than ~~two~~ **ten** thousand dollars, or both.

11 (3) **When the value of the stolen things is one thousand dollars or more,**
 12 **but less than a value of five thousand dollars, the offender shall be imprisoned,**
 13 **with or without hard labor, for not more than five years, or may be fined not**
 14 **more than three thousand dollars, or both.**

15 (4) When the value of the stolen things is less than ~~five hundred~~ **one**
 16 **thousand** dollars, the offender shall be imprisoned for not more than six months or
 17 may be fined not more than one thousand dollars, or both. If the offender in such
 18 cases has been convicted of ~~receiving stolen things or illegal possession of stolen~~
 19 ~~things~~ **theft** two or more times previously, upon any subsequent conviction, he shall
 20 be imprisoned, with or without hard labor, for not more than two years₂, or may be
 21 fined not more than two thousand dollars, or both.

22 (4)C. When the offender has committed the crime of illegal possession of
 23 stolen things by a number of distinct acts, the aggregate of the amount of the things
 24 so received shall determine the grade of the offense.

25 ~~C.D.~~ It shall be an affirmative defense to a violation of this Section
 26 committed by means of possessing, that the accused, within seventy-two hours of his
 27 acquiring knowledge or good reason to believe that a thing was the subject of
 28 robbery or theft, reports that fact or belief in writing to the district attorney in the
 29 parish of his domicile.

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1 §70.2. Refund or access device application fraud

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3 C.(1) Whoever commits the crime of refund fraud shall be fined not more
4 than five hundred dollars or imprisoned for not more than six months, or both.

5 (2) Whoever commits the crime of access device application fraud when the
6 misappropriation or taking amounts to a value of ~~one thousand five hundred dollars~~
7 ~~or more shall be imprisoned, with or without hard labor, for not more than ten years~~
8 **twenty-five thousand dollars or more shall be imprisoned at hard labor for not**
9 **more than twenty years,** or may be fined not more than ~~three~~ **fifty** thousand dollars,
10 or both.

11 (3) ~~When~~ **Whoever commits the crime of access device application fraud**
12 **when** the misappropriation or taking amounts to a value of five ~~hundred~~ **thousand**
13 dollars or more, but less than a value of ~~one~~ **twenty-five** thousand ~~five hundred~~
14 dollars, the offender shall be imprisoned, with or without hard labor, for not more
15 than ~~five~~ **ten** years, or may be fined not more than ~~two~~ **ten** thousand dollars, or both.

16 (4) **Whoever commits the crime of access device application fraud when**
17 **the misappropriation or taking amounts to a value of one thousand dollars or**
18 **more but less than a value of five thousand dollars shall be imprisoned, with or**
19 **without hard labor, for not more than five years, or may be fined not more than**
20 **three thousand dollars, or both.**

21 (5) ~~When~~ the misappropriation or taking amounts to less than a value of ~~five~~
22 ~~hundred~~ **one thousand** dollars, the offender shall be imprisoned for not more than
23 six months, or may be fined not more than five hundred dollars, or both. If the
24 offender in such cases has been convicted of theft two or more times previously,
25 upon any subsequent conviction he shall be imprisoned, with or without hard labor,
26 for not more than two years, or may be fined not more than ~~one~~ **two** thousand
27 dollars, or both.

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29 §70.4. Access device fraud

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1 E.(1) A person who commits the crime of access device fraud when the
2 misappropriation or taking amounts to a value of ~~one~~ **twenty-five** thousand ~~five~~
3 ~~hundred~~ dollars or more shall be imprisoned, ~~with or without~~ **at** hard labor; for not
4 more than ~~ten~~ **twenty** years, or fined not more than ~~five~~ **fifty** thousand dollars, or
5 both.

6 (2) When the misappropriation or taking amounts to a value of ~~at least five~~
7 ~~hundred~~ **five thousand** dollars **or more**, but less than a value of ~~one thousand five~~
8 ~~hundred~~ **twenty-five thousand** dollars, the offender shall be imprisoned, with or
9 without hard labor, for not more than ~~five~~ **ten** years, or fined not more than ~~three~~ **ten**
10 thousand dollars, or both.

11 (3) **When the misappropriation or taking amounts to a value of one**
12 **thousand dollars or more, but less than a value of five thousand dollars, the**
13 **offender shall be imprisoned, with or without hard labor, for not more than five**
14 **years, or may be fined not more than three thousand dollars, or both.**

15 (4) When the misappropriation or taking amounts to a value of less than ~~five~~
16 ~~hundred~~ **one thousand** dollars, the offender shall be imprisoned for not more than
17 six months or fined not more than five hundred dollars, or both.

18 (4)(5) Upon a third or subsequent conviction of a violation of the provisions
19 of this Section **theft**, the offender shall be imprisoned, with or without hard labor,
20 for not more than ~~ten~~ **two** years, or may be fined not more than ~~ten~~ **two** thousand
21 dollars, or both.

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23 §71. Issuing worthless checks

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25 C.(1) Whoever commits the crime of issuing worthless checks, when the
26 amount of the check or checks is ~~one thousand five hundred~~ **twenty-five thousand**
27 dollars or more, shall be imprisoned, ~~with or without~~ **at** hard labor; for not more than
28 ~~ten~~ **twenty** years, or may be fined not more than ~~three~~ **fifty** thousand dollars, or both.

29 ~~D.~~(2) When the amount of the check or checks is five ~~hundred~~ **thousand**
30 dollars or more, but less than ~~one~~ **twenty-five** thousand ~~five hundred~~ dollars, the

1 offender shall be imprisoned, with or without hard labor, for not more than ~~five~~ **ten**
2 years, or may be fined not more than ~~two~~ **ten** thousand dollars, or both.

3 **(3) When the amount of the check or checks is more than one thousand**
4 **dollars, but less than five thousand dollars, the offender shall be imprisoned,**
5 **with or without hard labor, for not more than five years, or may be fined not**
6 **more than three thousand dollars, or both.**

7 ~~E.~~**(4)** When the amount of the check or checks is less than ~~five hundred~~ **one**
8 **thousand** dollars, the offender shall be imprisoned for not more than six months, or
9 may be fined not more than five hundred dollars, or both. If the offender in such
10 cases has been convicted of ~~issuing worthless checks~~ **theft** two or more times
11 previously, upon any subsequent conviction he shall be imprisoned, with or without
12 hard labor, for not more than two years, or **may** be fined not more than ~~one~~ **two**
13 thousand dollars, or both.

14 ~~F.~~**D.** When the offender has issued more than one worthless check within a
15 one hundred eighty-day period, the amount of several or all worthless checks issued
16 during that one hundred eighty-day period may be aggregated to determine the grade
17 of the offense.

18 ~~G.~~**E.** In addition to any other fine or penalty imposed under this Section, the
19 court shall order as part of the sentence restitution in the amount of the check or
20 checks, plus a fifteen dollar per check service charge payable to the person or entity
21 that initially honored the worthless check or checks, an authorized collection agency,
22 or justice of the peace. In the event the fifteen dollar per check service charge is paid
23 to a person or entity other than one who initially honored the worthless check or
24 checks, the court shall also order as part of the sentence restitution equal to the
25 amount that the bank or other depository charged the person or entity who initially
26 honored the worthless check, plus the actual cost of notifying the offender of
27 nonpayment as required in Paragraph ~~A(2)~~ **(A)(2) of this Section.**

28 ~~H.~~**F.** In any prosecution for a violation of this Section, the prosecution may
29 enter as evidence of a violation of this Section any check, draft, or order for the
30 payment of money upon any bank or other depository which the bank or other

1 depository has refused to honor because the person who issued the check, draft, or
2 order did not have sufficient credit with the bank or other depository for the payment
3 of that check, draft, or order in full upon its presentation.

4 ~~†G.~~ In addition to the provisions of Subsection ~~H~~ **F of this Section**, in any
5 prosecution for a violation of this Section, the prosecution may enter as evidence of
6 a violation of this Section any tangible copy, facsimile, or other reproduction of the
7 check, draft, or order, or any electronic reproduction of the check, draft, or order, or
8 any other form of the record of the check, draft, or order, provided that the tangible
9 copy, facsimile, or other reproduction, or the electronic reproduction, or the other
10 form of the record of the check, draft, or order has been made, recorded, stored, and
11 reproduced in accordance with the requirements of the Louisiana Office of Financial
12 Institutions, or in accordance with the requirements of the federal agency which
13 regulates the bank or other depository, and provided that the appropriate officer of
14 the bank or other depository has certified that the tangible copy, facsimile, or other
15 reproduction, or the electronic copy, or the other form of the record of the check,
16 draft, or order for the payment of money has been made, stored, and reproduced in
17 accordance with the requirements of the Louisiana Office of Financial Institutions,
18 or in accordance with the requirements of the federal agency which regulates the
19 bank or other depository, and is a true and correct record of the transaction involving
20 the check, draft, or order upon which the prosecution is based.

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22 §82. Prostitution; definition; penalties; enhancement

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24 C.(1)

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26 (3) On a third and subsequent conviction, the offender shall be imprisoned,
27 with or without hard labor, for not ~~less than two nor~~ more than four years and shall
28 be fined not less than five hundred dollars nor more than four thousand dollars.

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30 §95.1. Possession of firearm or carrying concealed weapon by a person convicted of

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certain felonies

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B. Whoever is found guilty of violating the provisions of this Section shall be imprisoned at hard labor for not less than ~~ten~~ five nor more than twenty years without the benefit of probation, parole, or suspension of sentence and be fined not less than one thousand dollars nor more than five thousand dollars. Notwithstanding the provisions of R.S. 14:27, whoever is found guilty of attempting to violate the provisions of this Section shall be imprisoned at hard labor for not more than seven and one-half years and fined not less than five hundred dollars nor more than two thousand five hundred dollars.

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§202.1. Residential contractor fraud; penalties

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C.(1) When the misappropriation or intentional taking amounts to a value of less than ~~five hundred~~ one thousand dollars, the offender shall be imprisoned for not more than six months, fined not more than one thousand dollars, or both. **If the offender in such cases has been convicted of theft two or more times previously, then upon conviction the offender shall be imprisoned, with or without hard labor, for not more than two years, or fined not more than two thousand dollars.**

(2) When the misappropriation or intentional taking amounts to a value of ~~five hundred~~ one thousand dollars or more, but less than ~~one~~ five thousand ~~five hundred~~ dollars, the offender shall be imprisoned, with or without hard labor, for not more than five years, or may be fined not more than ~~two~~ three thousand dollars, or both.

(3) When the misappropriation or intentional taking amounts to a value of ~~one five~~ thousand ~~five hundred~~ dollars or more **but less than twenty-five thousand dollars**, the offender shall be imprisoned, with or without hard labor, for not more than ten years, or may be fined not more than ~~three~~ ten thousand dollars, or both.

(4) **When the misappropriation or intentional taking amounts to a value**

1 of twenty-five thousand dollars or more, the offender shall be imprisoned at
2 hard labor for not more than twenty years, or may be fined not more than fifty
3 thousand dollars, or both.

4 (5) In determining the amount of the misappropriation or intentional taking,
5 the court shall include the cost of repairing work fraudulently performed by the
6 contractor and the cost of completing work for which the contractor was paid but did
7 not complete.

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9 §230. Money laundering; transactions involving proceeds of criminal activity

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11 E.(1) * * *

12 (4) Whoever violates the provisions of this Section, if the value of the funds
13 is one hundred thousand dollars or more, shall be imprisoned at hard labor for not
14 less than ~~five~~ two years nor more than ~~ninety-nine~~ fifty years and may be fined not
15 more than fifty thousand dollars.

16 * * *

17 CHAPTER 3. LOUISIANA FELONY CLASS SYSTEM TASK FORCE

18 §601. Louisiana Felony Class System Task Force

19 A. The legislature hereby finds that it is in the best interest of the public
20 to have, to the greatest extent possible, a clear, regular, and simple sentencing
21 system, whereby nearly every felony offense falls into a class, with sentencing
22 to be imposed by designated class, to ensure consistency across crimes of similar
23 severity and greater transparency for victims, defendants, and criminal justice
24 practitioners. Such a system will henceforth be referred to as a felony class
25 system.

26 B. Accordingly, the Legislature of Louisiana hereby authorizes and
27 directs the creation of the Louisiana Felony Class System Task Force to study,
28 evaluate, and develop a recommendation for a felony class system to the
29 legislature before the 2018 Regular Session of the Louisiana Legislature.

30 C.(1) The membership of the task force shall be as follows:

1 (a) Three attorneys designated by the president of Louisiana District
2 Attorneys Association.

3 (b) Two attorneys designated by the state public defender.

4 (c) One attorney designated by the chief justice of the Louisiana Supreme
5 Court.

6 (d) One attorney designated by the Louisiana Association of Criminal
7 Defense Lawyers.

8 (e) Two attorneys designated by the Louisiana District Judges
9 Association.

10 (f) One attorney designated by the office of the governor.

11 (g) The chair of the House Committee on Administration of Criminal
12 Justice or his designee.

13 (h) The chair of the Senate Committee on Judiciary C or his designee.

14 (i) Each attorney member of the task force shall be an attorney licensed
15 to practice and who practices in this state.

16 (2)(a) The names of the persons who are to serve on the task force shall
17 be submitted to the chief justice of the Louisiana Supreme Court on or before
18 September 1, 2017.

19 (b) The chief justice shall call the first meeting of the task force, which
20 meeting shall be held on or before September 15, 2017.

21 (c) At the first meeting of the task force, its members shall elect from
22 their membership a chairman and vice chairman and such other officers as the
23 task force may deem advisable. The chief justice, or the chief justice's designee,
24 shall preside over the task force until a chairman is elected.

25 (d) The task force shall meet a minimum of six times between September
26 15, 2017, and February 1, 2018, and may hold public hearings as part of its
27 evaluation process. Meetings of the task force shall be held in the state capital.

28 D. The task force shall prepare and submit a final report of its findings
29 and recommendations, including but not limited to any specific and complete
30 draft legislation, to the governor, the speaker of the House of Representatives,

1 the president of the Senate, the chairman of the House Committee on
 2 Administration of Criminal Justice, the chairman of the Senate Committee on
 3 Judiciary C, and the chief justice of the Louisiana Supreme Court, no later than
 4 February 1, 2018. The report shall be made available to the public and the task
 5 force shall be abolished upon submission of the report.

6 E.(1) The task force may apply for, contract for, receive, and expend for
 7 purposes of this Chapter any appropriation or grant from the state, its political
 8 subdivisions, the federal government, or any other public or private source.

9 (2) The books and records of the task force shall be subject to audit by
 10 the legislative auditor pursuant to R.S. 24:513.

11 F. This Chapter shall become null and of no effect on February 2, 2018.

12 Section 2. R.S. 40:966(B), (C), (D), (E), (F) and (G), 967(B) and (C), 968(B) and
 13 (C), 969(B) and (C), and 970(B) and (C) are hereby amended and reenacted and R.S.
 14 40:967(C)(3) and (D) are hereby enacted to read as follows:

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

18 * * *

19 ~~B. Penalties for violation~~ Violations of Subsection A of this Section. Any
 20 person who violates Subsection A of this Section with respect to:

21 (1) Except as otherwise provided in ~~Paragraph (4)~~ Paragraphs (2) and (3)
 22 of this Subsection, a substance classified in Schedule I ~~that is a narcotic drug (all~~
 23 ~~substances in Schedule I preceded by an asterisk "*")~~, upon conviction shall be
 24 sentenced to imprisonment at hard labor for not less than ten nor more than fifty
 25 years, at least ten years of which shall be served without benefit of probation or
 26 suspension of sentence, and may, in addition, be required to pay a fine of not more
 27 than fifty thousand dollars. for an amount of:

28 (a) An aggregate weight of less than twenty-eight grams, shall be
 29 imprisoned, with or without hard labor, for not less than one year nor more
 30 than ten years and may, in addition, be required to pay a fine of not more than

1 fifty thousand dollars.

2 (b) An aggregate weight of twenty-eight grams or more, shall be
3 imprisoned at hard labor for not less than one year nor more than twenty years
4 and may, in addition, be required to pay a fine of not more than fifty thousand
5 dollars.

6 (2) ~~Except as otherwise provided in Paragraph (3) of this Subsection, any~~
7 ~~other controlled dangerous substance classified in Schedule I, shall upon conviction~~
8 ~~be sentenced to a term of imprisonment at hard labor for not less than five years nor~~
9 ~~more than thirty years, at least five years of which shall be served without benefit of~~
10 ~~parole, probation, or suspension of sentence, and pay a fine of not more than fifty~~
11 ~~thousand dollars.~~

12 ~~(3) A substance classified in Schedule I which is marijuana,~~
13 ~~tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols, or synthetic~~
14 ~~cannabinoids shall upon conviction be sentenced to a term of imprisonment at hard~~
15 ~~labor for not less than five nor more than thirty years, and pay a fine of not more than~~
16 ~~fifty thousand dollars. for an amount of:~~

17 (a) An aggregate weight of less than two and one half pounds, shall be
18 imprisoned, with or without hard labor, for not less than one year nor more
19 than ten years, and pay a fine of not more than fifty thousand dollars.

20 (b) An aggregate weight of two and one half pounds or more, shall be
21 imprisoned at hard labor for not less than one year nor more than twenty years
22 and pay a fine of not more than fifty thousand dollars.

23 ~~(4)(a)(3) A substance classified in Schedule I that is the narcotic drug heroin~~
24 ~~or a mixture or substance containing a detectable amount of heroin or of its~~
25 ~~analogues upon conviction of a first offense shall be sentenced to a term of~~
26 ~~imprisonment at hard labor for not less than ten nor more than fifty years, at least ten~~
27 ~~years of which shall be served without benefit of probation or suspension of~~
28 ~~sentence, and may, in addition, be required to pay a fine of not more than fifty~~
29 ~~thousand dollars. or a mixture or substance containing a detectable amount of~~
30 heroin or its analogues, or fentanyl or a mixture of substances containing a

1 detectable amount of fentanyl or its analogues, upon conviction for any amount,
 2 shall be imprisoned at hard labor for not less than five years nor more than
 3 forty years and may, in addition, be required to pay a fine of not more than fifty
 4 thousand dollars.

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

12 C. Possession. It is unlawful for any person knowingly or intentionally to
 13 possess a controlled dangerous substance classified in Schedule I unless such
 14 substance was obtained directly, or pursuant to a valid prescription or order, from a
 15 practitioner or as provided in R.S. 40:978, while acting in the course of his
 16 professional practice, or except as otherwise authorized by this Part. Any person who
 17 violates this Subsection with respect to:

18 ~~(1) A substance classified in Schedule I which is a narcotic drug (all~~
 19 ~~substances in Schedule I preceded by an asterisk), shall be imprisoned at hard labor~~
 20 ~~for not less than four years nor more than ten years and may, in addition, be required~~
 21 ~~to pay a fine of not more than five thousand dollars. **Except as otherwise provided**~~
 22 **in Paragraphs (2), (3), and (4) of this Subsection, a substance classified in**
 23 **Schedule I for an amount of:**

24 **(a) An aggregate weight of less than two grams, shall be imprisoned, with**
 25 **or without hard labor, for not more than two years and may, in addition, be**
 26 **required to pay a fine of not more than five thousand dollars.**

27 **(b) An aggregate weight of two grams or more but less than twenty-eight**
 28 **grams, shall be imprisoned, with or without hard labor, for not less than one**
 29 **year nor more than ten years and may, in addition, be required to pay a fine of**
 30 **not more than five thousand dollars.**

1 ~~(2) Phencyclidine, shall be sentenced to imprisonment with or without hard~~
2 ~~labor for not less than five nor more than twenty years and may be sentenced to pay~~
3 ~~a fine of not more than five thousand dollars, or both.~~

4 ~~(3) Any other controlled dangerous substance classified in Schedule I, shall~~
5 ~~be imprisoned at hard labor for not more than ten years, and may in addition, be~~
6 ~~required to pay a fine of not more than five thousand dollars.~~

7 ~~D. Other penalties for possession. (1) Except as otherwise authorized in this~~
8 ~~Part:~~

9 ~~(a) Any person who knowingly or intentionally possesses twenty-eight grams~~
10 ~~or more, but less than two hundred grams, of a narcotic drug (all substances in~~
11 ~~Schedule I preceded by an asterisk "*"), shall be sentenced to serve a term of~~
12 ~~imprisonment at hard labor of not less than five years, nor more than thirty years, and~~
13 ~~to pay a fine of not less than fifty thousand dollars, nor more than one hundred fifty~~
14 ~~thousand dollars.~~

15 ~~(b) Any person who knowingly or intentionally possesses two hundred grams~~
16 ~~or more, but less than four hundred grams, of a narcotic drug (all substances in~~
17 ~~Schedule I preceded by an asterisk "*"), shall be sentenced to serve a term of~~
18 ~~imprisonment at hard labor of not less than ten years, nor more than thirty years, and~~
19 ~~to pay a fine of not less than one hundred thousand dollars, nor more than three~~
20 ~~hundred fifty thousand dollars.~~

21 ~~(c) Any person who knowingly or intentionally possesses four hundred grams~~
22 ~~or more of a narcotic drug (all substances in Schedule I preceded by an asterisk "*"),~~
23 ~~shall be sentenced to serve a term of imprisonment at hard labor of not less than~~
24 ~~fifteen years, nor more than thirty years, and to pay a fine of not less than two~~
25 ~~hundred fifty thousand dollars, nor more than six hundred thousand dollars.~~

26 ~~E.(1) Possession of marijuana:~~

27 ~~(a) Except as provided in Subsection F of this Section, on a conviction for~~
28 ~~violation of Subsection C of this Section with regard to marijuana,~~
29 ~~tetrahydrocannabinol, or chemical derivatives thereof, the offender shall be punished~~
30 ~~as follows:~~

1 (2) A substance classified in Schedule I that is marijuana,
2 tetrahydrocannabinol, or chemical derivatives thereof, shall be punished as
3 follows:

4 ~~(i)~~(a) On a first conviction, wherein the offender possesses fourteen grams
5 or less, the offender shall be fined not more than three hundred dollars, imprisoned
6 in the parish jail for not more than fifteen days, or both.

7 ~~(ii)~~(b) On a first conviction, wherein the offender possesses more than
8 fourteen grams, the offender shall be fined not more than five hundred dollars,
9 imprisoned in the parish jail for not more than six months, or both.

10 ~~(iii)~~(c) Any person who has been convicted of a violation of sentenced under
11 the provisions of ~~Item (i) or (ii) of this Subparagraph~~ (a) or (b) of this Paragraph
12 and who has not been convicted of any other violation of a statute or ordinance
13 prohibiting the possession of marijuana for a period of two years from the date of
14 completion of sentence, probation, parole, or suspension of sentence shall not be
15 eligible to have the conviction used as a predicate conviction for enhancement
16 purposes. The provisions of this ~~Subparagraph~~ Paragraph shall occur only once
17 with respect to any person.

18 ~~(b) Except as provided in Subsection F of this Section, on a second~~
19 ~~conviction for violation of Subsection C of this Section with regard to marijuana,~~
20 ~~tetrahydrocannabinol or chemical derivatives thereof, the offender shall be fined not~~
21 ~~more than one thousand dollars, imprisoned in the parish jail for not more than six~~
22 ~~months, or both.~~

23 (d) On a second conviction the offender shall be fined not more than one
24 thousand dollars, imprisoned in the parish jail for not more than six months, or
25 both.

26 ~~(c)(i) Except as provided in Subsection F of this Section, on a third~~
27 ~~conviction for violation of Subsection C of this Section with regard to marijuana,~~
28 ~~tetrahydrocannabinol or chemical derivatives thereof, the offender shall be sentenced~~
29 ~~to imprisonment with or without hard labor for not more than two years, shall be~~
30 ~~fined not more than two thousand five hundred dollars, or both.~~

1 (e)(i) On a third conviction the offender shall be sentenced to
 2 imprisonment, with or without hard labor, for not more than two years, shall
 3 be fined not more than two thousand five hundred dollars.

4 (ii) If the court places the offender on probation, the probation shall provide
 5 for a minimum condition that he participate in a court-approved substance abuse
 6 program and perform four eight-hour days of court-approved community service
 7 activities. Any costs associated with probation shall be paid by the offender.

8 ~~(d)(i) Except as provided in Subsection F of this Section, on a fourth or~~
 9 ~~subsequent conviction for violation of Subsection C of this Section with regard to~~
 10 ~~marijuana, tetrahydrocannabinol or chemical derivatives thereof, the offender shall~~
 11 ~~be sentenced to imprisonment with or without hard labor for not more than eight~~
 12 ~~years, shall be fined not more than five thousand dollars, or both.~~

13 (f)(i) On a fourth or subsequent conviction the offender shall be
 14 sentenced to imprisonment with or without hard labor for not more than eight
 15 years, shall be fined not more than five thousand dollars, or both.

16 (ii) If the court places the offender on probation, the probation shall provide
 17 for a minimum condition that he participate in a court-approved substance abuse
 18 program and perform four eight-hour days of court-approved community service
 19 activities. Any costs associated with probation shall be paid by the offender.

20 ~~(e)(g)~~ Except as provided in ~~Item (a)(iii)~~ Subparagraph (c) of this
 21 Paragraph, a conviction for the violation of any other statute or ordinance with the
 22 same elements as Subsection C of this Section prohibiting the possession of
 23 marijuana, tetrahydrocannabinol or chemical derivatives thereof, shall be considered
 24 as a prior conviction for the purposes of this Subsection relating to penalties for
 25 second, third, or subsequent offenders.

26 ~~(f)(h)~~ Except as provided in ~~Item (a)(iii)~~ Subparagraph (c) of this
 27 Paragraph, a conviction for the violation of any other statute or ordinance with the
 28 same elements as Paragraph ~~(B)(3)~~ (B)(2) of this Section prohibiting the distributing
 29 or dispensing or possession with intent to distribute or dispense marijuana,
 30 tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall

1 be considered as a prior conviction for the purposes of this Subsection relating to
2 penalties for second, third, or subsequent offenders.

3 ~~(2) Possession of synthetic cannabinoids. (a) Except as provided in~~
4 ~~Subsections F and G of this Section, on a first conviction for violation of Subsection~~
5 ~~C of this Section with regard to synthetic cannabinoids, the offender shall be fined~~
6 ~~not more than five hundred dollars, imprisoned for not more than six months, or~~
7 ~~both.~~

8 ~~(b) Except as provided in Subsections F and G of this Section, on a second~~
9 ~~conviction for violation of Subsection C of this Section with regard to synthetic~~
10 ~~cannabinoids, the offender shall be fined not less than two hundred fifty dollars nor~~
11 ~~more than two thousand dollars, imprisoned with or without hard labor for not more~~
12 ~~than five years, or both.~~

13 ~~(c) Except as provided in Subsections F and G of this Section, on a third or~~
14 ~~subsequent conviction for violation of Subsection C of this Section with regard to~~
15 ~~synthetic cannabinoids, the offender shall be sentenced to imprisonment with or~~
16 ~~without hard labor for not more than twenty years, and may, in addition, be fined not~~
17 ~~more than five thousand dollars.~~

18 ~~(d) A conviction for the violation of any other provision of law or ordinance~~
19 ~~with the same elements as Subsection C of this Section prohibiting the possession~~
20 ~~of synthetic cannabinoids shall be considered a prior conviction for the purposes of~~
21 ~~this Paragraph relating to penalties for second, third, or subsequent offenses.~~

22 **(3) A substance classified in Schedule I which is a synthetic cannabinoid,**
23 **the offender shall be punished as follows:**

24 **(a) On a first conviction, the offender shall be fined not more than five**
25 **hundred dollars, imprisoned for not more than six months, or both.**

26 **(b) On a second conviction, the offender shall be fined not less than two**
27 **hundred fifty dollars nor more than two thousand dollars, imprisoned with or**
28 **without hard labor for not more than five years, or both.**

29 **(c) On a third or subsequent conviction, the offender shall be sentenced**
30 **to imprisonment at hard labor for not more than twenty years, and may, in**

1 addition, be fined not more than five thousand dollars.

2 (d) A conviction for the violation of any other provision of law or
 3 ordinance with the same elements as this Subsection prohibiting the possession
 4 of synthetic cannabinoids shall be considered a prior conviction for the purposes
 5 of this Paragraph relating to penalties for second, third, or subsequent offenses.

6 (e) A conviction for the violation of any other provision of law or ordinance
 7 with the same elements as Paragraph ~~(B)(3)~~ **(B)(2)** of this Section prohibiting the
 8 distributing or dispensing or possession with intent to distribute or dispense synthetic
 9 cannabinoids shall be considered a prior conviction for the purposes of this
 10 Paragraph relating to penalties for second, third, or subsequent offenses.

11 (f) If the court places the offender on probation, the probation shall provide
 12 for a minimum condition that he participate in a court-approved substance abuse
 13 program and perform four eight-hour days of court-approved community service
 14 activities. Any costs associated with probation shall be paid by the offender.

15 (4) A substance classified in Schedule I that is the narcotic drug heroin
 16 or a mixture or substance containing a detectable amount of heroin or of its
 17 analogues, or fentanyl or a mixture or substance containing a detectable amount
 18 of fentanyl or its analogues, upon conviction for an amount:

19 (a) An aggregate weight of less than two grams, shall be sentenced to a
 20 term of imprisonment, with or without hard labor, for not less than two years
 21 nor more than four years.

22 (b) An aggregate weight of two grams or more but less than twenty-eight
 23 grams, shall be sentenced to a term of imprisonment, with or without hard
 24 labor, for not less than two years nor more than ten years and may, in addition
 25 be required to pay a fine of not more than five thousand dollars.

26 F. Except as otherwise authorized in this Part:

27 ~~(1) Any person who knowingly or intentionally possesses two and one-half~~
 28 ~~pounds or more, but less than sixty pounds of marijuana, tetrahydrocannabinol or~~
 29 ~~chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve~~
 30 ~~a term of imprisonment with or without hard labor of not less than two years, nor~~

1 more than ten years, and to pay a fine of not less than ten thousand dollars nor more
2 than thirty thousand dollars.

3 (2) Any person who knowingly or intentionally possesses sixty pounds or
4 more, but less than two thousand pounds of marijuana, tetrahydrocannabinol or
5 chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve
6 a term of imprisonment at hard labor of not less than five years, nor more than thirty
7 years, and to pay a fine of not less than fifty thousand dollars nor more than one
8 hundred thousand dollars.

9 (3) Any person who knowingly or intentionally possesses two thousand
10 pounds or more, but less than ten thousand pounds of marijuana,
11 tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall
12 be sentenced to serve a term of imprisonment at hard labor of not less than ten years
13 nor more than forty years, and to pay a fine of not less than one hundred thousand
14 dollars nor more than four hundred thousand dollars.

15 (4) Any person who knowingly or intentionally possesses ten thousand
16 pounds or more of marijuana, tetrahydrocannabinol or chemical derivatives thereof,
17 or synthetic cannabinoids shall be sentenced to serve a term of imprisonment at hard
18 labor of not less than twenty-five years, nor more than forty years and to pay a fine
19 of not less than four hundred thousand dollars nor more than one million dollars.

20 G. With respect to any person to whom the provisions of Subsections D and
21 F of this Section are applicable, the adjudication of guilt or imposition of sentence
22 shall not be suspended, deferred, or withheld, nor shall such person be eligible for
23 probation or parole prior to serving the minimum sentences provided by Subsection
24 D or F of this Section.

25 **D. If a person knowingly or intentionally possesses a controlled substance**
26 **as classified in Schedule I, unless such substance was obtained directly or**
27 **pursuant to a valid prescription or order from a practitioner, as provided in**
28 **R.S. 40:978, while acting in the course of his professional practice, where the**
29 **amount of the controlled substance is equal to or above the following weights,**
30 **it shall be considered a violation of Subsection A of this Section:**

1 **(1) For marijuana, tetrahydrocannabinol, synthetic cannabinoids, or**
 2 **chemical derivatives thereof, two and one-half pounds.**

3 **(2) For any other Schedule I controlled substance, twenty-eight grams.**

4 **H.E.** Notwithstanding any other provision of law to the contrary, unless
 5 eligible for parole at an earlier date, a person committed to the Department of Public
 6 Safety and Corrections serving a life sentence for the production, manufacturing,
 7 distribution, or dispensing or possessing with intent to produce, manufacture, or
 8 distribute heroin shall be eligible for parole consideration upon serving at least
 9 fifteen years of imprisonment in actual custody.

10 **I.F.** Immunity from prosecution. Any person who is a patient of the
 11 state-sponsored medical marijuana program in Louisiana, and who possesses medical
 12 marijuana in a form permissible under R.S. 40:1046 for a condition enumerated
 13 therein, a caregiver as defined in R.S. 15:1503, or any person who is a domiciliary
 14 parent of a minor child who possesses medical marijuana on behalf of his minor
 15 child in a form permissible under R.S. 40:1046 for a condition enumerated therein
 16 pursuant to a legitimate medical marijuana prescription or recommendation, shall not
 17 be subject to prosecution for possession or distribution of marijuana under this
 18 Section for possessing medical marijuana or dispensing medical marijuana to his
 19 minor child who is a patient of the state-sponsored medical marijuana program. This
 20 defense must be raised in accordance with R.S. 40:991, and the defendant bears the
 21 burden of proof of establishing that the possession or distribution of the marijuana
 22 was in accordance with the state-sponsored medical marijuana program.

23 **G. Treatment for heroin and fentanyl addiction as a condition for**
 24 **probation. (1) Upon conviction of Paragraph (B)(3) or (C)(4) of this Section,**
 25 **possession with intent to distribute heroin or fentanyl or possession of heroin or**
 26 **fentanyl, the court may suspend any sentence which it imposes and place the**
 27 **defendant on probation pursuant to Code of Criminal Procedure Article 893.**
 28 **The court may order the division of probation and parole of the Department of**
 29 **Public Safety and Corrections to conduct a presentence investigation, or may**
 30 **order the defendant to obtain a substance abuse evaluation, for the purpose of**

1 determining whether the defendant has a substance abuse disorder.

2 (2) Upon receiving the report or evaluation, the court shall, if it finds
 3 probable cause from such report to believe the defendant has a substance abuse
 4 disorder, order a contradictory hearing for the purpose of making a judicial
 5 determination on whether the defendant has a substance abuse disorder.

6 (3) If, at such contradictory hearing, the court determines that the
 7 defendant has a substance abuse disorder, it shall require as a condition of
 8 probation that the defendant complete a drug treatment program if the
 9 following conditions are met:

10 (a) There is an available program in the local jurisdiction that has
 11 sufficient experience in working with criminal justice participants with
 12 substance abuse disorders and is certified and approved by the state of
 13 Louisiana.

14 (b) The cost of the approved treatment does not create a substantial
 15 financial hardship to the defendant or his dependents. For purposes of this
 16 determination, "substantial financial hardship" shall have the same meaning
 17 as provided in R.S. 15:175.

18 (4) If the offender does not successfully complete the drug treatment
 19 program, or otherwise violates the conditions of his probation, the court may
 20 revoke the probation or impose other sanctions pursuant to Code of Criminal
 21 Procedure Article 900.

22 §967. Prohibited acts-Schedule II, penalties

23 * * *

24 ~~B. Penalties for violation~~ Violations of Subsection A. ~~Except as provided in~~
 25 ~~Subsection F, any~~ Any person who violates Subsection A of this Section with
 26 respect to:

27 (1) ~~A~~ Except as otherwise provided in Paragraphs (2) and (3) of this
 28 Subsection, a substance classified in Schedule II ~~which is an amphetamine or~~
 29 ~~methamphetamine or which is a narcotic drug, except cocaine or cocaine base or a~~
 30 ~~mixture or substance containing cocaine or its analogues as provided in Schedule~~

1 ~~H(A)(4) of R.S. 40:964 and except oxycodone as provided in Schedule II(A)(1)(o)~~
 2 ~~of R.S. 40:964 and except methadone as provided in Schedule II(B)(11) of R.S.~~
 3 ~~40:964 shall be sentenced to a term of imprisonment at hard labor for not less than~~
 4 ~~two years nor more than thirty years; and may, in addition, be sentenced to pay a fine~~
 5 ~~of not more than fifty thousand dollars. **for an amount of:**~~

6 **(a) An aggregate weight of less than twenty-eight grams, shall be**
 7 **imprisoned, with or without hard labor, for not less than one year nor more**
 8 **than ten years and may, in addition, be fined not more than fifty thousand**
 9 **dollars.**

10 **(b) An aggregate weight of twenty-eight grams or more, shall be**
 11 **imprisoned at hard labor for not less than one year nor more than twenty years**
 12 **and may, in addition, be fined not more than fifty thousand dollars.**

13 (2) ~~Pentazocine, shall be sentenced to imprisonment at hard labor for not less~~
 14 ~~than two years nor more than ten years, at least two years of which shall be served~~
 15 ~~without benefit of parole, probation, or suspension of sentence, and, in addition, may~~
 16 ~~be sentenced to pay a fine of not more than fifteen thousand dollars.~~

17 ~~(3)~~(a) Production or manufacturing of amphetamine or methamphetamine
 18 shall be sentenced to imprisonment at hard labor for not less than ten years nor more
 19 than thirty years, at least ten years of which shall be served without benefit of parole,
 20 probation, or suspension of sentence, and in addition may be sentenced to pay a fine
 21 of not more than five hundred thousand dollars.

22 (b) This Subparagraph shall be cited as the "Child Endangerment Law."
 23 When the state proves in addition to the elements of the crime as set forth in
 24 Subsection A of this Section that a minor child twelve years of age or younger is
 25 present in the home, mobile home or other inhabited dwelling at the time of the
 26 commission of the offense, the minimum mandatory sentence shall be fifteen years
 27 without benefit of parole, probation, or suspension of sentence.

28 ~~(4)~~~~(a)~~**(3)** Production or manufacturing of cocaine or cocaine base or a mixture
 29 or substance containing cocaine or its analogues as provided in Schedule II(A)(4) of
 30 R.S. 40:964 or oxycodone as provided in ~~Schedule H(A)(1)(o)~~ **Schedule II (A)(1)(p)**

1 of R.S. 40:964 or methadone as provided in ~~Schedule H(B)(11)~~ **Schedule II(B)(15)**
 2 of R.S. 40:964 shall be sentenced to imprisonment at hard labor for not less than ten
 3 nor more than thirty years, at least ten years of which shall be served without benefit
 4 of parole, probation, or suspension of sentence, and may be fined not more than five
 5 hundred thousand dollars.

6 ~~(b) Distribution, dispensing, or possession with intent to produce,~~
 7 ~~manufacture, distribute, or dispense cocaine or cocaine base or a mixture or~~
 8 ~~substance containing cocaine or its analogues as provided in Schedule H(A)(4) of~~
 9 ~~R.S. 40:964 or oxycodone as provided in Schedule H(A)(1)(o) of R.S. 40:964 or~~
 10 ~~methadone as provided in Schedule H(B)(11) of R.S. 40:964 shall be sentenced to~~
 11 ~~a term of imprisonment at hard labor for not less than two years nor more than thirty~~
 12 ~~years, with the first two years of said sentence being without benefit of parole,~~
 13 ~~probation, or suspension of sentence; and may, in addition, be sentenced to pay a fine~~
 14 ~~of not more than fifty thousand dollars.~~

15 ~~(5) Any other controlled dangerous substance classified in Schedule H except~~
 16 ~~pentazocine, amphetamine, methamphetamine, cocaine, or oxycodone, or methadone~~
 17 ~~shall be sentenced to a term of imprisonment at hard labor for not more than ten~~
 18 ~~years, and in addition may be sentenced to pay a fine of not more than fifteen~~
 19 ~~thousand dollars.~~

20 C. Possession. It is unlawful for any person knowingly or intentionally to
 21 possess a controlled dangerous substance as classified in Schedule II unless such
 22 substance was obtained directly or pursuant to a valid prescription or order from a
 23 practitioner, as provided in R.S. 40:978 while acting in the course of his professional
 24 practice, or except as otherwise authorized by this Part. **Any person who violates**
 25 **this Subsection with respect to:**

26 ~~(1) Any person who violates this Subsection with respect to pentazocine shall~~
 27 ~~be imprisoned with or without hard labor for not less than two years and for not more~~
 28 ~~than five years and, in addition, may be sentenced to pay a fine of not more than five~~
 29 ~~thousand dollars.~~

30 **An aggregate weight of less than two grams, shall be imprisoned, with**

1 or without hard labor, for not more than two years and, in addition, may be
 2 sentenced to pay a fine of not more than five thousand dollars.

3 (2) ~~Any person who violates this Subsection as to any other controlled~~
 4 ~~dangerous substance shall be imprisoned with or without hard labor for not more~~
 5 ~~than five years and, in addition, may be sentenced to pay a fine of not more than five~~
 6 ~~thousand dollars.~~

7 An aggregate weight of two grams or more but less than twenty-eight
 8 grams shall be imprisoned, with or without hard labor, for not less than one
 9 year nor more than five years and, in addition, may be sentenced to pay a fine
 10 of not more than five thousand dollars.

11 (3) Phencyclidine, for an amount of an aggregate weight of less than
 12 twenty-eight grams, shall be imprisoned at hard labor for not less than one year
 13 nor more than twenty years, or required to pay a fine of not more than five
 14 thousand dollars, or both.

15 D. If a person knowingly or intentionally possesses a controlled substance
 16 as classified in Schedule II, unless such substance was obtained directly or
 17 pursuant to a valid prescription or order from a practitioner, as provided in
 18 R.S. 40:978 while acting in the course of his professional practice, where the
 19 amount of the controlled substance is an aggregate weight of twenty-eight grams
 20 or more, it shall be considered a violation of Subsection A of this Section.

21 * * *

22 §968. Prohibited acts-Schedule III; penalties

23 * * *

24 B. ~~Penalties for violation~~ Violations of Subsection A. Any person who
 25 violates Subsection A of this Section with respect to any controlled dangerous
 26 substance classified in Schedule III shall be sentenced to a term of imprisonment, at
 27 with or without hard labor, for not less than one year nor more than ten years; and,
 28 in addition, may be sentenced to pay a fine of not more than fifteen thousand dollars.

29 C. Possession. It is unlawful for any person knowingly or intentionally to
 30 possess a controlled dangerous substance classified in Schedule III unless such

1 substance was obtained directly or pursuant to a valid prescription or order from a
 2 practitioner, or as provided in R.S. 40:978 or ~~R.S. 40:1239~~ **R.S. 40:1060.21**, while
 3 acting in the course of his professional practice or except as otherwise authorized by
 4 this Part. Any person who violates this Subsection shall be imprisoned, with or
 5 without hard labor, for not **less than one year nor** more than five years and, in
 6 addition, may be required to pay a fine of not more than five thousand dollars.

7 §969. Prohibited acts-Schedule IV; penalties

8 * * *

9 B. ~~Penalties for violation~~ **Violations** of Subsection A. Any person who
 10 violates Subsection A **of this Section** with respect to:

11 (1) Flunitrazepam shall be sentenced to a term of imprisonment at hard labor
 12 for not less than ~~five years~~ **one year** nor more than ~~thirty~~ **twenty** years and pay a fine
 13 of not more than fifty thousand dollars.

14 (2) Any other controlled dangerous substance classified in Schedule IV,
 15 except flunitrazepam, shall be sentenced to a term of imprisonment, ~~at~~ **with or**
 16 **without** hard labor, for not **less than one year nor** more than ten years; and, in
 17 addition, may be sentenced to pay a fine of not more than fifteen thousand dollars.

18 C. Possession. It is unlawful for any person knowingly or intentionally to
 19 possess a controlled dangerous substance classified in Schedule IV unless such
 20 substance was obtained directly or pursuant to a valid prescription or order from a
 21 practitioner, or as provided in R.S. 40:978, while acting in the course of his
 22 professional practice or except as otherwise authorized by this Part. Any person who
 23 violates this Subsection with respect to:

24 (1) Flunitrazepam shall be imprisoned, ~~at~~ **with or without** hard labor, for not
 25 **less than one year nor** more than ten years, and may, in addition, be required to pay
 26 a fine of not more than five thousand dollars.

27 (2) Any other controlled dangerous substance shall be imprisoned with or
 28 without hard labor for not **less than one year nor** more than five years and, in
 29 addition, may be required to pay a fine of not more than five thousand dollars.

30 * * *

1 §970. Prohibited acts-Schedule V; penalties

2 * * *

3 B. ~~Penalties for violation~~ **Violations** of Subsection A. Any person who
4 violates Subsection A **of this Section** with respect to any controlled dangerous
5 substance classified in Schedule V shall be sentenced to a term of imprisonment, ~~at~~
6 **with or without** hard labor, for not **less than one year nor** more than five years;
7 and, in addition, may be sentenced to pay a fine of not more than five thousand
8 dollars.

9 C. Possession. It is unlawful for any person unknowingly or intentionally
10 to possess a controlled dangerous substance classified in Schedule V unless such
11 substance was obtained directly or pursuant to a valid prescription or order from a
12 practitioner, or as provided in R.S. 40:978, while acting in the course of his
13 professional practice or except as otherwise authorized by this Part. Any person who
14 violates this ~~section~~ **Subsection** shall be imprisoned with or without hard labor for
15 not **less than one year nor** more than five years; and, in addition, may be required
16 to pay a fine of not more than five thousand dollars.

17 Section 3. R.S. 14:2(B)(8), (25), and (29), 56.1, 56.2, 56.3, 62.1, 62.6, 62.9, 67.1,
18 67.2, 67.3, 67.6, 67.7, 67.8, 67.9, 67.10, 67.18, 67.20, 67.21, 67.24, 67.25(E), 67.28, 67.30,
19 68.5, 71(H) and (I), and 211 and R.S. 40:966(G), (H), and (I) and 967(F) and (G) are hereby
20 repealed in their entirety.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____