The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST

SB 49Engrossed 2023 Regular Session Hewitt

Present law provides that whoever commits the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance is to be sentenced to imprisonment at hard labor for five to 15 years and in addition may be fined up to $25,000.

Proposed law provides increased penalties for the creation or operation of a clandestine laboratory for the unlawful manufacture of a substance containing fentanyl or carfentanil.

Proposed law provides that on a first conviction, the defendant will be imprisoned for not less than 10 nor more than 40 years, at least 10 years to be served without benefit of parole, probation, or suspension of sentence, and in addition may be fined not more than $50,000.

Proposed law provides that on a second conviction, the defendant will be imprisoned for not less than 30 nor more than 40 years, at least 10 years to be served without benefit of parole, probation, or suspension of sentence, and in addition may be fined of not more than $500,000.

Proposed law provides that on a third or subsequent conviction, the defendant will be imprisoned for not less than 99 years, to be served without benefit of parole, probation, or suspension of sentence, and in addition may be fined not more than $500,000.

Present law provides that persons convicted under present law may be ordered to make restitution for the actual government cost incurred in the cleanup of any hazardous waste resulting from the operation of a laboratory for the unlawful manufacture of a controlled dangerous substances. Present law further provides that the court may order that this amount be paid directly to the governmental agency that actually incurred the cleanup expense.

Proposed law retains present law.

Effective August 1, 2023.

(Amends R.S. 40:983(C) and (D))