

2022 Regular Session

HOUSE BILL NO. 626

BY REPRESENTATIVE ADAMS

CONTROLLED SUBSTANCES: Creates the crime of aggravated distribution of a controlled dangerous substance

1 AN ACT

2 To enact R.S. 40:981.4 and Code of Criminal Procedure Article 814(A)(69), relative to  
3 controlled dangerous substances; to create the crime of aggravated distribution of a  
4 controlled dangerous substance; to provide for penalties for the crime; to provide  
5 relative to responsive verdicts; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:981.4 is hereby enacted to read as follows:

8 §981.4. Aggravated distribution of a controlled dangerous substance

9 A. Aggravated distribution of a controlled dangerous substance is the  
10 distribution or dispensing of a controlled dangerous substance, or any combination  
11 thereof, as provided in this Part, under any of the following circumstances:

12 (1) The offender unlawfully distributes or dispenses a controlled dangerous  
13 substance, as defined in Subsection C of this Section, that is the direct cause of  
14 serious bodily injury to the recipient who ingested or consumed the controlled  
15 dangerous substance.

16 (2) The offender unlawfully distributes or dispenses a controlled dangerous  
17 substance, as defined in Subsection C of this Section, to another who subsequently  
18 distributes or dispenses such controlled dangerous substance that is the direct cause  
19 of serious bodily injury to the recipient who ingested or consumed the controlled  
20 dangerous substance.

1           (3) The offender unlawfully distributes or dispenses a controlled dangerous  
2           substance that the offender knows or should have known has been laced with  
3           fentanyl, carfentanil, or any other foreign substance that substantially increases the  
4           likelihood of death or serious bodily injury from use.

5           B.(1) Whoever commits the crime of aggravated distribution of a controlled  
6           dangerous substance as provided in Subsection A(1) or (2) of this Section shall be  
7           imprisoned at hard labor for not more than twenty years and in addition may be fined  
8           not more than fifty thousand dollars.

9           (2) Whoever commits the crime of aggravated distribution of a controlled  
10           dangerous substance as provided in Subsection A(3) of this Section shall be  
11           imprisoned at hard labor for not less than five years nor more than forty years and  
12           may be fined not more than fifty thousand dollars.

13           C. For purposes of Paragraphs (A)(1) and (A)(2) of this Section, the  
14           controlled dangerous substances are:

15           (1) Heroin or a mixture or substance containing a detectable amount of  
16           heroin or its analogues.

17           (2) Fentanyl or a mixture or substance containing a detectable amount of  
18           fentanyl or its analogues.

19           (3) Carfentanil or a mixture or substance containing a detectable amount of  
20           carfentanil or its analogues.

21           D. Notwithstanding any other provision of law to the contrary, a person  
22           acting in good faith who seeks medical assistance for an individual experiencing a  
23           drug-related overdose may not be charged, prosecuted, or penalized for aggravated  
24           distribution of a controlled dangerous substance if the evidence for aggravated  
25           distribution of a controlled dangerous substance was obtained as a result of the  
26           person seeking medical assistance. Protection established in this Subsection from  
27           prosecution for aggravated distribution of a controlled dangerous substance may not  
28           be grounds for suppression of evidence in other criminal prosecutions.

1 Section 2. Code of Criminal Procedure Article 814(A)(69) is hereby enacted to read  
2 as follows:

3 Art. 814. Responsive verdicts; in particular

4 A. The only responsive verdicts which may be rendered when the indictment  
5 charges the following offenses are:

6 \* \* \*

7 69. Aggravated Distribution of a Controlled Dangerous Substance:

8 Guilty.

9 Guilty of attempted aggravated distribution of a controlled dangerous  
10 substance.

11 Guilty of distribution of a controlled dangerous substance.

12 Guilty of attempted distribution of a controlled dangerous substance.

13 Guilty of possession of a controlled dangerous substance.

14 Guilty of attempted possession of a controlled dangerous substance.

15 Not guilty.

16 \* \* \*

---

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HB 626 Original

2022 Regular Session

Adams

**Abstract:** Creates the crime of aggravated distribution of a controlled dangerous substance and provides for penalties.

Proposed law creates the crime of aggravated distribution of a controlled dangerous substance and defines the crime as the distribution or dispensing of a controlled dangerous substance, or any combination thereof, under any of the following circumstances:

- (1) The offender unlawfully distributes or dispenses a controlled dangerous substance, as defined in proposed law, that is the direct cause of serious bodily injury to the recipient who ingested or consumed the controlled dangerous substance.
- (2) The offender unlawfully distributes or dispenses a controlled dangerous substance, as defined in proposed law, to another who subsequently distributes or dispenses such controlled dangerous substance that is the direct cause of serious bodily injury to the recipient who ingested or consumed the controlled dangerous substance.

- (3) The offender unlawfully distributes or dispenses a controlled dangerous substance that the offender knows or should have known has been laced with fentanyl, carfentanil, or any other foreign substance that substantially increases the likelihood of death or serious bodily injury from use.

Proposed law provides that whoever commits the proposed law crime as provided in (1) and (2) above shall be imprisoned at hard labor for not more than 20 years and in addition may be fined not more than \$50,000.

Proposed law provides that whoever commits the proposed law crime as provided in (3) above shall be imprisoned at hard labor for not less than five years nor more than 40 years and may be fined not more than \$50,000.

Proposed law applies to the following controlled dangerous substances:

- (1) Heroin or a mixture or substance containing a detectable amount of heroin or its analogues.
- (2) Fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues.
- (3) Carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues.

Present law provides relative to responsive verdicts in criminal trials.

Proposed law retains present law and adds that the only responsive verdicts that may be rendered when the indictment charges aggravated distribution of a controlled dangerous substance are:

- (1) Guilty of attempted aggravated distribution of a controlled dangerous substance.
- (2) Guilty of distribution of a controlled dangerous substance.
- (3) Guilty of attempted distribution of a controlled dangerous substance.
- (4) Guilty of possession of a controlled dangerous substance.
- (5) Guilty of attempted possession of a controlled dangerous substance.
- (6) Not guilty.

(Adds R.S. 40:981.4 and C.Cr.P. Art. 814(A)(69))