

2022 Regular Session

HOUSE BILL NO. 875

BY REPRESENTATIVE BRYANT

CONTROLLED SUBSTANCES: Provides relative to penalties for the distribution of fentanyl or carfentanil which causes serious bodily injury

1 AN ACT

2 To amend and reenact R.S. 40:967(B)(4) and to enact R.S. 14:2(B)(8), relative to the
3 Uniform Controlled Dangerous Substances Law; to provide relative to penalties for
4 the distribution of fentanyl or carfentanil; to provide for penalties when the
5 distribution causes serious bodily injury; to add the offense of distribution of
6 fentanyl or carfentanil which is the direct cause of serious bodily injury to the list of
7 crimes of violence; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:967(B)(4) is hereby amended and reenacted to read as follows:

10 §967. Prohibited acts--Schedule II, penalties

11 * * *

12 B. Violations of Subsection A. Any person who violates Subsection A of
13 this Section with respect to:

14 * * *

15 (4)(a) Fentanyl or a mixture or substance containing a detectable amount of
16 fentanyl or its analogues, or carfentanil or a mixture or substance containing a
17 detectable amount of carfentanil or its analogues, upon conviction for any amount,
18 shall be imprisoned at hard labor for not less than five years nor more than forty
19 years and may, in addition, be required to pay a fine of not more than fifty thousand
20 dollars.

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 875 Original

2022 Regular Session

Bryant

Abstract: Provides relative to penalties for the unlawful distribution of fentanyl or carfentanil which is the direct cause of serious bodily injury.

Present law (R.S. 40:967(B)(4)) provides that any person who produces, manufactures, distributes, or dispenses or possesses with the intent to produce, manufacture, distribute, or dispense fentanyl or carfentanil, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than 40 years and may, in addition, be required to pay a fine of not more than \$50,000.

Proposed law provides that if the offender unlawfully distributes or dispenses fentanyl or carfentanil which is the direct cause of serious bodily injury to the person who ingested or consumed the substance, the offense shall be classified as a crime of violence, and the offender shall be imprisoned at hard labor for not less than five years nor more than 40 years. At least five years of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence. In addition, the offender may be required to pay a fine of not more than \$50,000.

Present law (R.S. 14:2) provides for a definition of "crime of violence" which means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon.

Present law further provides for a list of certain enumerated present law offenses that are included as crimes of violence.

Proposed law adds distribution of fentanyl or carfentanil which causes serious bodily injury to the list of enumerated crimes of violence.

(Amends R.S. 40:967(B)(4); Adds R.S. 14:2(B)(8))