

2017 Regular Session

SENATE BILL NO. 220

BY SENATOR ALARIO

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

CRIME/PUNISHMENT. Provides relative to adopting a felony class system. (8/1/17)

1 AN ACT

2 To amend and reenact R.S. 14:60(A) and (B), 67(B), 67.16(C), (D), (E), (F), and (G),

3 67.25(D), 67.26(C) and (E), 68(B), 68.4(B), 68.7(B), 69(B) and (C), 70.2(C),

4 70.4(E), 71(C), (D), (E), (F), and (G), 94(B), (C), and (D), 95(B), (C), (D), (E), (F),

5 (G), (H), and (I), and 95.1(B) and R.S. 40:966(B), (C), (D), (E), (F), and (G), 967(B),

6 (C), (D), and (E), 968(B) and (C), 969(B), (C), and (D), 970(B) and (C), to enact

7 Subpart A-1 of Part I of Chapter 1 of Title 14 of the Louisiana Revised Statutes of

8 1950, comprised of R.S. 14:6.1 through 6.3 and 69(D), and to repeal R.S. 14:62.8,

9 67.1, 67.2, 67.6, 67.7, 67.8, 67.9, 67.10, 67.16(H), 67.18, 67.20, 67.21, 67.24,

10 67.25(E), 67.28, 67.30, 68.5, 71(H) and (I), 94(E) and (F), 95(J) and (K) and R.S.

11 40:966(H) and (I), and 967(F) and (G), relative to the adoption of a felony class

12 system; to provide relative to legislative findings and intent; to provide relative to

13 classes of designated felonies; to provide relative to penalties; and to provide for

14 related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 14:60(A) and (B), 67(B), 67.16(C), (D), (E), (F), and (G), 67.25(D),

17 67.26(C) and (E), 68(B), 68.4(B), 68.7(B), 69(B) and (C), 70.2(C), 70.4(E), 71(C), (D), (E),

1 (F), and (G), 94(B), (C), and (D), 95(B), (C), (D), (E), (F), (G), (H), and (I), and 95.1(B) are
2 hereby amended and reenacted and Subpart A-1 of Part I of Chapter 1 of Title 14 of the
3 Louisiana Revised Statutes of 1950, comprised of R.S. 14:6.1 through 6.3 and 69(D) are
4 hereby enacted to read as follows:

5 **SUBPART A-1. FELONY CLASSES**

6 **§6.1. Legislative findings; intent**

7 **The legislature hereby finds that it is in the best interest of the public to**
8 **have, to the greatest extent possible, a clear, regular, and simple sentencing**
9 **system, whereby nearly every felony offense falls into a class, with sentencing**
10 **to be imposed by designated class, to ensure consistency across crimes of similar**
11 **severity and greater transparency for victims, defendants, and criminal justice**
12 **practitioners.**

13 **§6.2. Felony classes**

14 **A. The following offenses are Class A felonies:**

15 **(1) R.S. 14:31, manslaughter, victim under the age of ten years.**

16 **(2) R.S. 14:32.1, vehicular homicide, operator's blood alcohol**
17 **concentration is less than 0.08 percent by weight based upon grams of alcohol**
18 **per one hundred cubic centimeters of blood.**

19 **(3) R.S. 14:35.3, domestic abuse battery, by burning.**

20 **(4) R.S. 14:62.8, home invasion when a person present is under twelve**
21 **years of age or over sixty-five years of age.**

22 **(5) R.S. 14:64, armed robbery.**

23 **(6) R.S. 14:64.3, armed robbery; attempted armed robbery; use of a**
24 **firearm.**

25 **(7) R.S. 14:81.1, pornography involving juveniles.**

26 **(8) R.S. 14:81.2, molestation of a juvenile or a person with a physical or**
27 **mental disability when the offender is the juvenile's educator, victim under**
28 **thirteen years of age.**

29 **(9) R.S. 14:81.2, molestation of a juvenile or a person with a physical or**

1 mental disability, multiple instances within one year.

2 (10) R.S. 14:81.2, molestation of a juvenile or a person with a physical or
3 mental disability, offender has control or supervision.

4 (11) R.S. 14:81.3, computer-aided solicitation of a minor, victim under
5 thirteen years of age.

6 (12) R.S. 14:81.3, computer-aided solicitation of a minor, subsequent
7 conviction.

8 (13) R.S. 14:82.1, prostitution, if under the age of fourteen years and
9 parent or tutor consents.

10 (14) R.S. 14:82.1, prostitution, if under the age of eighteen years and
11 parent or tutor consents.

12 B. The following offenses are Class B felonies:

13 (1) R.S. 14:26, conspiracy, capital or life offense.

14 (2) R.S. 14:31, manslaughter.

15 (3) R.S. 14:32.1, vehicular homicide.

16 (4) R.S. 14:32.1, vehicular homicide, operator's blood alcohol
17 concentration less than 0.15 percent by weight based upon grams of alcohol per
18 one hundred cubic centimeters of blood.

19 (5) R.S. 14:32.1, vehicular homicide, previous conviction under R.S.
20 14:98.

21 (6) R.S. 14:35.3, domestic abuse battery, fourth and subsequent offense.

22 (7) R.S. 14:40.2, stalking, third and subsequent offense.

23 (8) R.S. 14:42.1, second degree rape.

24 (9) R.S. 14:44.1, second degree kidnapping.

25 (10) R.S. 14:46.3, trafficking children for sexual purposes.

26 (11) R.S. 14:62.8, home invasion, while armed with a dangerous weapon.

27 (12) R.S. 14:64.1, first degree robbery.

28 (13) R.S. 14:64.4, second degree robbery.

29 (14) R.S. 14:67.15, theft of a firearm, third offense.

- 1 (15) R.S. 14:81.1, possession of pornography involving juveniles,
2 possession or possession with intent to distribute, second offense.
- 3 (16) R.S. 14:82, prostitution, with a person under the age of eighteen
4 years.
- 5 (17) R.S. 14:82, prostitution, with a person under the age of fourteen
6 years.
- 7 (18) R.S. 14:82.1, prostitution; persons under eighteen; additional
8 offenses, with person under the age of eighteen years.
- 9 (19) R.S. 14:83, soliciting for prostitutes, person being solicited is under
10 the age of eighteen years.
- 11 (20) R.S. 14:83, soliciting for prostitutes, person being solicited is under
12 the age of fourteen years.
- 13 (21) R.S. 14:83.1, inciting prostitution, inciting person under the age of
14 eighteen years.
- 15 (22) R.S. 14:83.1, inciting prostitution, inciting person under the age of
16 fourteen years.
- 17 (23) R.S. 14:83.2, promoting prostitution, person under the age of
18 eighteen years.
- 19 (24) R.S. 14:83.2, promoting prostitution, person under the age of
20 fourteen years.
- 21 (25) R.S. 14:84, pandering, involving person under the age of eighteen
22 years.
- 23 (26) R.S. 14:84, pandering, involving person under the age of fourteen
24 years.
- 25 (27) R.S. 14:85, letting premises for prostitution, victim under the age of
26 eighteen years.
- 27 (28) R.S. 14:85, letting premises for prostitution, victim under the age of
28 fourteen years.
- 29 (29) R.S. 14:86, enticing persons into prostitution, victim under the age

1 of eighteen years.

2 (30) R.S. 14:86, enticing persons into prostitution, victim under the age
3 of fourteen years.

4 (31) R.S. 14:89, crime against nature, victim under the age of fourteen
5 years.

6 (32) R.S. 14:89, crime against nature, victim under the age of eighteen
7 years.

8 (33) R.S. 14:93.2.3, second degree cruelty to juveniles.

9 (34) R.S. 14:98, operating a vehicle while intoxicated, fourth or
10 subsequent conviction, if child endangerment law applies.

11 (35) R.S. 14:98, operating a vehicle while intoxicated, fourth or
12 subsequent conviction, previous conviction resulted in probation, parole, or
13 suspended sentence.

14 (36) R.S. 14:98, operating a vehicle while intoxicated, fourth or
15 subsequent conviction, offender previously participated in substance abuse
16 treatment or home incarceration, drug division.

17 (37) R.S. 14:98, operating a vehicle while intoxicated, fourth or
18 subsequent conviction.

19 (38) R.S. 14:104, keeping a disorderly place, for purposes of prostitution
20 of a person under the age of eighteen years.

21 (39) R.S. 14:105, letting a disorderly place, for purposes of prostitution
22 of a person if under the age of eighteen years.

23 (40) R.S. 14:123, perjury, trial in which a sentence of death or life
24 imprisonment may be imposed.

25 (41) R.S. 14:129, jury tampering, trial of offense punishable by death or
26 life imprisonment.

27 (42) R.S. 14:129.1, intimidating, impeding, or injuring witnesses,
28 criminal proceeding in which a sentence of death or life imprisonment may be
29 imposed.

1 (43) R.S. 14:130.1(B)(1), obstruction of justice when the criminal
2 proceeding involves a sentence of death or life imprisonment.

3 (44) R.S. 14:230, money laundering, value of the funds is one hundred
4 thousand dollars or more.

5 (45) R.S. 14:327, obstructing a fireman, act constituting the offense is
6 equivalent to manslaughter.

7 (46) R.S. 14:388, false statements in affidavit as perjury, criminal
8 proceeding involves a sentence of death or life imprisonment.

9 (47) R.S. 14:512, aggravated loansharking.

10 (48) R.S. 15:1352, racketeering activity.

11 C. The following offenses are Class C felonies:

12 (1) R.S. 14:28.1, solicitation for murder.

13 (2) R.S. 14:35.3, domestic abuse battery, fourth or subsequent offense,
14 child under thirteen years of age present.

15 (3) R.S. 14:35.3, domestic abuse battery, fourth or subsequent offense,
16 victim pregnant.

17 (4) R.S. 14:40.2, stalking, second offense within seven years of first
18 offense.

19 (5) R.S. 14:43, third degree rape.

20 (6) R.S. 14:51, aggravated arson.

21 (7) R.S. 14:51.1, injury by arson.

22 (8) R.S. 14:54.1, communicating of false information of planned arson.

23 (9) R.S. 14:54.2, manufacture and possession of delayed action
24 incendiary devices.

25 (10) R.S. 14:54.3, manufacture and possession of a bomb.

26 (11) R.S. 14:54.6, communicating false information of planned bombing.

27 (12) R.S. 14:58, contaminating water supplies, when human life or health
28 is endangered.

29 (13) R.S. 14:60, aggravated burglary.

- 1 (14) R.S. 14:62.8, home invasion.
- 2 (15) R.S. 14:62.9, simple burglary of law enforcement or emergency
- 3 vehicle.
- 4 (16) R.S. 14:64.2, carjacking.
- 5 (17) R.S. 14:65.1, purse snatching.
- 6 (18) R.S. 14:81, indecent behavior with juveniles, victim under the age
- 7 of thirteen years.
- 8 (19) R.S. 14:81.1, pornography involving juveniles, possession or
- 9 possession with intent to distribute, first offenses.
- 10 (20) R.S. 14:81.1, pornography involving juveniles, parent, legal
- 11 guardian, or custodian consenting to child's participation.
- 12 (21) R.S. 14:87.2, human experimentation.
- 13 (22) R.S. 14:87.5, intentional failure to sustain life or health of aborted
- 14 viable infant.
- 15 (23) R.S. 14:89.1, aggravated crime against nature.
- 16 (24) R.S. 14:89.1, aggravated crime against nature, if the victim is under
- 17 the age of eighteen years and related to the offender as a child, grandchild,
- 18 brother, sister, half-brother, half-sister, uncle, aunt, nephew, or niece, whether
- 19 biological, step, or adoptive relative.
- 20 (25) R.S. 14:91.5, unlawful use of social networking, second offense.
- 21 (26) R.S. 14:100, hit and run driving, when death or serious injury
- 22 occurs, driver knew that he was involved in accident, driver had previously
- 23 been convicted of R.S. 14:98 or vehicular homicide.
- 24 (27) R.S. 14:107.1, ritualistic acts, involving torture or mutilation.
- 25 (28) R.S. 14:123, perjury, trial of offense punishable by imprisonment at
- 26 hard labor.
- 27 (29) R.S. 14:129.1, intimidating, impeding, or injuring witnesses, trial of
- 28 offense punishable by imprisonment at hard labor.
- 29 (30) R.S. 14:130.1(B)(2), obstruction of justice, when the criminal

1 proceeding involves a crime punishable by imprisonment at hard labor for any
2 term less than life.

3 (31) R.S. 14:230, money laundering, value of the funds is twenty
4 thousand dollars or more but less than one hundred thousand dollars.

5 (32) R.S. 14:327, obstructing a fireman, equivalent to aggravated battery.

6 (33) R.S. 14:329, interfering with a law enforcement investigation, if
7 death occurs.

8 (34) R.S. 14:329.2, inciting a riot, if death occurs.

9 (35) R.S. 14:329.3, command to disperse, failure to comply, if death
10 occurs.

11 (36) R.S. 14:329.4, wrongful use of public property, if death occurs.

12 (37) R.S. 14:329.5, prohibition of interference with educational process,
13 if death occurs.

14 (38) R.S. 14:388, false statements in affidavit as perjury, trial of offense
15 necessarily punishable by imprisonment at hard labor, less than life sentence.

16 (39) R.S. 15:542.1.4, failure to register and notify as a sex offender or
17 child predator, second or subsequent conviction.

18 (40) R.S. 15:560.4, electronic monitoring of sexually violent predators or
19 child sexual predators, second or subsequent conviction.

20 (41) R.S. 15:561.7, failure to comply with provisions of supervised
21 released, second or subsequent conviction.

22 (42) R.S. 40:981, distribution to persons under age eighteen, Schedule I
23 or II narcotic substance.

24 (43) R.S. 40:981.2, soliciting minors to produce, manufacture, distribute,
25 or dispense controlled dangerous substances.

26 (44) R.S. 47:9071, false or altered lottery tickets.

27 **D. The following offenses are Class D felonies:**

28 **(1) R.S. 14:32.6, first degree feticide.**

29 **(2) R.S. 14:32.7, second degree feticide.**

- 1 **(3) R.S. 14:32.9, aggravated criminal abortion by dismemberment.**
- 2 **(4) R.S. 14:32.10, partial birth abortion.**
- 3 **(5) R.S. 14:32.12, criminal assistance to suicide.**
- 4 **(6) R.S. 14:34, aggravated battery, victim is an active member of the**
- 5 **United States Armed Forces or a disabled veteran.**
- 6 **(7) R.S. 14:34, aggravated battery.**
- 7 **(8) R.S. 14:34.7, aggravated second degree battery, victim is an active**
- 8 **member of the United States Armed Forces or a disabled veteran.**
- 9 **(9) R.S. 14:34.7, aggravated second degree battery.**
- 10 **(10) R.S. 14:37.2, aggravated assault on a peace officer, with a firearm.**
- 11 **(11) R.S. 14:37.4, aggravated assault with a firearm.**
- 12 **(12) R.S. 14:37.6, aggravated assault with a motor vehicle on a peace**
- 13 **officer.**
- 14 **(13) R.S. 14:40.1, terrorizing.**
- 15 **(14) R.S. 14:40.4, burning cross; intent to intimidate.**
- 16 **(15) R.S. 14:43.1, sexual battery.**
- 17 **(16) R.S. 14:43.2, second degree sexual battery.**
- 18 **(17) R.S. 14:43.3, oral sexual battery.**
- 19 **(18) R.S. 14:43.4, female genital mutilation.**
- 20 **(19) R.S. 14:43.5, intentional exposure to AIDS virus.**
- 21 **(20) R.S. 14:43.5, intentional exposure to AIDS, victim is a police officer.**
- 22 **(21) R.S. 14:46.1, false imprisonment; offender armed with dangerous**
- 23 **weapon.**
- 24 **(22) R.S. 14:52, simple arson, damage greater than five hundred dollars.**
- 25 **(23) R.S. 14:52.1, simple arson of a religious building.**
- 26 **(24) R.S. 14:55, aggravated criminal damage to property.**
- 27 **(25) R.S. 14:56, simple criminal damage to property, damage greater**
- 28 **than fifty thousand dollars.**
- 29 **(26) R.S. 14:56.4, criminal damage to property by graffiti, damage**

- 1 greater than fifty thousand dollars.
- 2 (27) R.S. 14:56.2, criminal damage of a pipeline facility, if foreseeable
- 3 that human life might be threatened.
- 4 (28) R.S. 14:62, simple burglary.
- 5 (29) R.S. 14:62.1, simple burglary of a pharmacy, second or subsequent
- 6 conviction.
- 7 (30) R.S. 14:62.1, simple burglary of a pharmacy, first offense.
- 8 (31) R.S. 14:62.2, simple burglary of an inhabited dwelling.
- 9 (32) R.S. 14:62.5, looting.
- 10 (33) R.S. 14:62.5(C), looting during a state of emergency.
- 11 (34) R.S. 14:62.6, simple burglary of a religious building.
- 12 (35) R.S. 14:66, extortion.
- 13 (36) R.S. 14:67.4, Anti-skimming Act, using a scanning device and a
- 14 re-encoder.
- 15 (37) R.S. 14:67.4, Anti-skimming Act, third or subsequent conviction.
- 16 (38) R.S. 14:67.11, credit card fraud by one authorized to provide goods
- 17 and services.
- 18 (39) R.S. 14:67.15, theft of a firearm, second offense.
- 19 (40) R.S. 14:67.15, theft of a firearm, first offense.
- 20 (41) R.S. 14:67.22, fraudulent acquisition of a credit card.
- 21 (42) R.S. 14:68.2, unauthorized use of supplemental nutrition assistance
- 22 program benefits or access devices.
- 23 (43) R.S. 14:69.1, illegal possession of stolen firearms, second offense.
- 24 (44) R.S. 14:70.8, illegal transmission of monetary funds.
- 25 (45) R.S. 14:71.1, bank fraud.
- 26 (46) R.S. 14:71.3, mortgage fraud.
- 27 (47) R.S. 14:72, forgery.
- 28 (48) R.S. 14:72.2, monetary instrument abuse.
- 29 (49) R.S. 14:73.7(A)(3) or (A)(4), computer tampering, with the intention

1 of disrupting vital services or operations of the state, any parish, or
2 municipality, utility company or with the intention of causing death or great
3 bodily harm.

4 (50) R.S. 14:73.8, unauthorized use of wireless router system, with
5 pornography involving juveniles.

6 (51) R.S. 14:80, felony carnal knowledge of a juvenile.

7 (52) R.S. 14:81.2, molestation of a juvenile or a person with a physical or
8 mental disability.

9 (53) R.S. 14:81.3, computer-aided solicitation of a minor, victim thirteen
10 years of age or more but under the age of seventeen years.

11 (54) R.S. 14:81.3, computer-aided solicitation of a minor, victim
12 reasonably believed to be under the age of seventeen years.

13 (55) R.S. 14:81.3, computer-aided solicitation of a minor, actual sexual
14 conduct and age difference of five years or more.

15 (56) R.S. 14:86, enticing persons into prostitution.

16 (57) R.S. 14:87, abortion.

17 (58) R.S. 14:89, crime against nature, involving a child, parent, or
18 sibling.

19 (59) R.S. 14:89.6, human-animal hybrids.

20 (60) R.S. 14:91.5, unlawful use of a social networking website, first
21 offense.

22 (61) R.S. 14:92, contributing to the delinquency of juveniles, involvement
23 in a crime of violence or violation of the Uniformed Controlled Dangerous
24 Substances Law.

25 (62) R.S. 14:93, cruelty to juveniles.

26 (63) R.S. 14:93.3, cruelty to persons with infirmities, second or
27 subsequent conviction.

28 (64) R.S. 14:93.3, cruelty to persons with infirmities.

29 (65) R.S. 14:93.4, exploitation of persons with infirmities.

1 **(66) R.S. 14:93.5, sexual battery of persons with infirmities.**

2 **(67) R.S. 14:95.2.2, reckless discharge of a firearm at a parade or**
3 **demonstration.**

4 **(68) R.S. 14:95.7, possession of or dealing in firearms with obliterated**
5 **numbers or marks, second or subsequent offense.**

6 **(69) R.S. 14:96, aggravated obstruction of a highway of commerce.**

7 **(70) R.S. 14:100, hit-and-run driving, when death or serious injury**
8 **occurs.**

9 **(71) R.S. 14:102.1(A), simple cruelty to animals, second conviction.**

10 **(72) R.S. 14:102.1(B), aggravated cruelty to animals.**

11 **(73) R.S. 14:102.5, dogfighting: training and possession of dogs for**
12 **fighting.**

13 **(74) R.S. 14:102.8, injuring or killing of a police animal, second**
14 **conviction.**

15 **(75) R.S. 14:104, keeping a disorderly place, for purposes of prostitution**
16 **of a person under the age of fourteen years.**

17 **(76) R.S. 14:105, letting a disorderly place, for purposes of prostitution**
18 **of a person under the age of fourteen years.**

19 **(77) R.S. 14:108.1(C), aggravated flight from an officer, resulting in**
20 **serious bodily injury.**

21 **(78) R.S. 14:110, aggravated escape, from prison.**

22 **(79) R.S. 14:114, misprision of treason.**

23 **(80) R.S. 14:115, criminal anarchy.**

24 **(81) R.S. 14:120, corrupt influencing.**

25 **(82) R.S. 14:134.1, malfeasance in office; sexual conduct prohibited with**
26 **persons in the custody and supervision of the Department of Public Safety and**
27 **Corrections.**

28 **(83) R.S. 14:201, collateral securities, unauthorized use or withdrawal**
29 **prohibited.**

1 (84) R.S. 14:202.1, residential contractor fraud, misappropriation or
2 taking amounts to one thousand five hundred dollars or more.

3 (85) R.S. 14:211, sale of forest products; failure to remit payment to
4 owner, value is five hundred dollars or more.

5 (86) R.S. 14:222.2, cellular telephone counterfeiting, knowing possession,
6 second or subsequent conviction.

7 (87) R.S. 14:222.2, cellular telephone counterfeiting, possession of
8 instrument capable of intercepting.

9 (88) R.S. 14:225, institutional vandalism, damage amounts to fifty
10 thousand dollars or more.

11 (89) R.S. 14:230, money laundering, value of the funds is three thousand
12 dollars or more but less than twenty thousand dollars.

13 (90) R.S. 14:283, video voyeurism, victim under the age of seventeen
14 years.

15 (91) R.S. 14:286, sale of minor children and other prohibited activities.

16 (92) R.S. 14:327, obstructing a fireman, equivalent to simple battery,
17 aggravated assault, or false imprisonment.

18 (93) R.S. 14:336, unlawful aiming of a laser at an aircraft, second
19 conviction.

20 (94) R.S. 15:553, prohibition of employment for certain sex offenders.

21 (95) R.S. 15:560.4, electronic monitoring of sexually violent predators or
22 child sexual predators.

23 (96) R.S. 15:561.7, failure to comply with provisions of supervised
24 release, first conviction.

25 (97) R.S. 15:1303, interception and disclosure of wire, electronic, or oral
26 communications.

27 (98) R.S. 15:1304, manufacture, distribution, or possession of wire,
28 electronic, or oral communication intercepting devices prohibited.

29 (99) R.S. 23:1208, misrepresentations concerning benefit payments, value

1 of ten thousand dollars or more.

2 (100) R.S. 27:99, making false statements related to gaming.

3 (101) R.S. 32:1502, reckless handling of hazardous material.

4 (102) R.S. 38:211, cutting or destroying levees.

5 (103) R.S. 40:983, operation of a clandestine lab.

6 (104) R.S. 40:1061.27, partial birth abortion.

7 (105) R.S. 40:1752, handling of machine guns unlawful, second or
8 subsequent offense.

9 (106) R.S. 40:1785, possession or dealing in unregistered or illegally
10 transferred weapons, first offense.

11 (107) R.S. 40:1785, possession or dealing in unregistered or illegally
12 transferred weapons, second or subsequent offense.

13 (108) R.S. 40:1788, obliterating, removing, changing or altering
14 manufacturer identification mark, second or subsequent offense.

15 E. The following offenses are Class E felonies:

16 (1) R.S. 14:25, accessories after the fact.

17 (2) R.S. 14:27, attempt, receiving stolen things, value over twenty-five
18 thousand dollars.

19 (3) R.S. 14:28, inciting a felony.

20 (4) R.S. 14:28(C), inciting a felony, inciting a person under the age of
21 seventeen years.

22 (5) R.S. 14:32, negligent homicide, victim under the age of ten years.

23 (6) R.S. 14:32, negligent homicide.

24 (7) R.S. 14:32, negligent homicide, if victim is killed by a dog or other
25 animal when the owner is reckless.

26 (8) R.S. 14:32.8, third degree feticide.

27 (9) R.S. 14:32.9, criminal abortion.

28 (10) R.S. 14:34.1, second degree battery, victim is an active member of
29 the United States Armed Forces or a disabled veteran.

- 1 (11) R.S. 14:34.1, second degree battery.
- 2 (12) R.S. 14:34.2, battery of a police officer, when the offender is in legal
3 custody or detained in correctional facility.
- 4 (13) R.S. 14:34.2, battery of a police officer, when the battery results in
5 injury that requires medical attention.
- 6 (14) R.S. 14:34.3, battery of a school teacher by a nonstudent or injury
7 requires medical attention.
- 8 (15) R.S. 14:34.5, battery of a correctional officer, if offender is a
9 prisoner.
- 10 (16) R.S. 14:34.6, disarming of a peace officer.
- 11 (17) R.S. 14:34.8(C)(2), battery of an emergency room employee,
12 requiring medical attention.
- 13 (18) R.S. 14:35.1, simple battery of child welfare or adult protective
14 service worker, requiring medical attention.
- 15 (19) R.S. 14:35.3, domestic abuse battery, third offense.
- 16 (20) R.S. 14:35.3, domestic abuse battery, third offense, victim pregnant.
- 17 (21) R.S. 14:35.3(B)(3), domestic abuse battery, strangulation.
- 18 (22) R.S. 14:37.1, assault by drive-by shooting.
- 19 (23) R.S. 14:37.5, aggravated assault on utility service employee with a
20 firearm.
- 21 (24) R.S. 14:37.7, domestic abuse aggravated assault.
- 22 (25) R.S. 14:37.7(D), domestic abuse aggravated assault, child thirteen
23 years of age or younger present.
- 24 (26) R.S. 14:38.1, mingling harmful substances.
- 25 (27) R.S. 14:38.2, assault on teacher, by a nonstudent.
- 26 (28) R.S. 14:39.2, first degree vehicular negligent injuring.
- 27 (29) R.S. 14:40.2, stalking, victim in fear of death or bodily injury and
28 under the age of eighteen years.
- 29 (30) R.S. 14:40.2, stalking, victim in fear of death or bodily injury.

- 1 (31) R.S. 14:40.2, stalking, victim under the age of eighteen years.
- 2 (32) R.S. 14:40.2, stalking, victim under the age of twelve years.
- 3 (33) R.S. 14:40.2, stalking, victim under a protective order.
- 4 (34) R.S. 14:40.3, cyberstalking, third or subsequent offense within seven
- 5 years.
- 6 (35) R.S. 14:40.3, cyberstalking, second offense within seven years.
- 7 (36) R.S. 14:40.6, unlawful disruption of the operation of a school.
- 8 (37) R.S. 14:45, simple kidnapping.
- 9 (38) R.S. 14:46.4, re-homing of a child.
- 10 (39) R.S. 14:52, simple arson, damage less than five hundred dollars.
- 11 (40) R.S. 14:53, arson with intent to defraud.
- 12 (41) R.S. 14:54.5, fake explosive device.
- 13 (42) R.S. 14:56, simple criminal damage to property, damage at least five
- 14 hundred dollars but less than fifty thousand dollars.
- 15 (43) R.S. 14:56.1, criminal damage to coin operated devices, damage less
- 16 than one hundred dollars.
- 17 (44) R.S. 14:56.2, criminal damage of a pipeline facility.
- 18 (45) R.S. 14:56.3, criminal damage to genetically engineered crops,
- 19 genetically engineered crop facilities, or genetically engineered crop
- 20 information.
- 21 (46) R.S. 14:56.4, criminal damage to property by graffiti, damage at
- 22 least five hundred dollars but less than fifty thousand dollars.
- 23 (47) R.S. 14:56.5, criminal damage to historic buildings or landmarks by
- 24 defacing with graffiti.
- 25 (48) R.S. 14:57, damage to property with intent to defraud.
- 26 (49) R.S. 14:58, contaminating water supplies.
- 27 (50) R.S. 14:61, unauthorized entry of a critical infrastructure.
- 28 (51) R.S. 14:62.3, unauthorized entry of an inhabited dwelling.
- 29 (52) R.S. 14:62.4, unauthorized entry of a place of business.

- 1 (53) R.S. 14:65, simple robbery.
- 2 (54) R.S. 14:67.4, Anti-skimming Act.
- 3 (55) R.S. 14:67.19, theft of anhydrous ammonia.
- 4 (56) R.S. 14:67.19.1, unauthorized possession of anhydrous ammonia.
- 5 (57) R.S. 14:67.26(E), theft of a motor vehicle, filing a false affidavit to
6 support an alleged theft of a motor vehicle.
- 7 (58) R.S. 14:68.4, unauthorized use of a motor vehicle.
- 8 (59) R.S. 14:68.7, possessing a device for the manufacture of fraudulent
9 retail sales receipts or universal product code labels.
- 10 (60) R.S. 14:69.1, illegal possession of stolen firearms, first offense.
- 11 (61) R.S. 14:70.1, Medicaid fraud.
- 12 (62) R.S. 14:70.5, fraudulent remuneration.
- 13 (63) R.S. 14:70.7, unlawful production, manufacturing, distribution, or
14 possession of fraudulent documents for identification purposes.
- 15 (64) R.S. 14:72.1.1, forgery of a certificate of insurance or insurance
16 identification card.
- 17 (65) R.S. 14:72.6, forgery of a motor vehicle inspection certificate.
- 18 (66) R.S. 14:73.2, offenses against intellectual property, damage of five
19 hundred dollars or more.
- 20 (67) R.S. 14:73.3, offenses against computer equipment or supplies,
21 damage of five hundred dollars or more.
- 22 (68) R.S. 14:73.4, offenses against computer users, damage of five
23 hundred dollars or more.
- 24 (69) R.S. 14:73.5, computer fraud.
- 25 (70) R.S. 14:73.7, computer tampering, Paragraphs (A)(3) and (4).
- 26 (71) R.S. 14:75, failure to pay child support obligation, second offense.
- 27 (72) R.S. 14:75, failure to pay child support obligation, obligation is more
28 than fifteen thousand dollars and outstanding for at least one year.
- 29 (73) R.S. 14:76, bigamy.

1 (74) R.S. 14:77, abetting in bigamy.

2 (75) R.S. 14:79, violation of protective orders, third or subsequent
3 conviction, not involving a battery or any crime of violence.

4 (76) R.S. 14:79, violation of protective orders, involving a battery or any
5 crime of violence, two prior convictions.

6 (77) R.S. 14:79, violation of protective orders, involving battery or any
7 crime of violence, one prior conviction.

8 (78) R.S. 14:79.1, criminal abandonment.

9 (79) R.S. 14:81, indecent behavior with juveniles, victim over the age of
10 thirteen.

11 (80) R.S. 14:81.4, prohibited sexual conduct between educator and
12 student, second offense.

13 (81) R.S. 14:82, prostitution, second conviction.

14 (82) R.S. 14:82, prostitution, third or subsequent conviction.

15 (83) R.S. 14:82.2, purchase of commercial sexual activity, second offense.

16 (84) R.S. 14:82.2, purchase of commercial sexual activity, third or
17 subsequent offense.

18 (85) R.S. 14:83.2, promoting prostitution.

19 (86) R.S. 14:84, pandering.

20 (87) R.S. 14:89, crime against nature.

21 (88) R.S. 14:89, crime against nature, involving uncle and niece or aunt
22 and nephew.

23 (89) R.S. 14:89.2, crime against nature by solicitation, second conviction.

24 (90) R.S. 14:89.2, crime against nature by solicitation, if person solicited
25 is fourteen years of age or older but under the age of eighteen years.

26 (91) R.S. 14:90, gambling, defendant conducts, finances, manages,
27 supervises, directs, or owns all or part of an illegal gambling business.

28 (92) R.S. 14:90.3, gambling by computer, defendant designs, develops,
29 manages, supervises, maintains, provides, or produces any computer services,

1 computer system, computer network, computer software, or any server for
2 gambling purposes.

3 (93) R.S. 14:90.6, gambling or wagering at cockfights, defendant
4 conducts, finances, manages, supervises, directs, leases, or owns all or part of
5 a business or the premises with knowledge.

6 (94) R.S. 14:90.7, gambling by electronic sweepstakes device.

7 (95) R.S. 14:92, contributing to the delinquency of juveniles, juvenile
8 involved in a felony and parent or guardian is convicted.

9 (96) R.S. 14:92(A)(7), contributing to the delinquency of juveniles,
10 sexually immoral act.

11 (97) R.S. 14:92.2, improper supervision of a minor by a parent or legal
12 custodian, violation of court-ordered safety plan.

13 (98) R.S. 14:95.1.1, illegally supplying a felon with firearm.

14 (99) R.S. 14:95.1.2, illegally supplying a felon with ammunition.

15 (100) R.S. 14:95.1.3, fraudulent firearm and ammunition purchase.

16 (101) R.S. 14:95.2, carrying a firearm, or dangerous weapon, by a
17 student or nonstudent on school property, at school-sponsored functions or
18 firearm-free zone.

19 (102) R.S. 14:95.2, carrying a dangerous weapon on school property,
20 used in commission of a crime of violence.

21 (103) R.S. 14:95.2.1, illegal carrying of a firearm at a parade with any
22 firearm used in the commission of a crime of violence.

23 (104) R.S. 14:95.3, unlawful use or possession of body armor.

24 (105) R.S. 14:95.7, possession of or dealing in firearms with obliterated
25 numbers or marks, first offense.

26 (106) R.S. 14:95.8, illegal possession of a handgun by a juvenile, second
27 conviction.

28 (107) R.S. 14:95.8, illegal possession of a handgun by a juvenile, third or
29 subsequent conviction.

1 (108) R.S. 14:95.8, illegal possession of a handgun by a juvenile,
2 previously found guilty or adjudicated delinquent for any crime of violence or
3 attempt.

4 (109) R.S. 14:95.10, possession of a firearm or carrying of a concealed
5 weapon by a person convicted of domestic abuse battery.

6 (110) R.S. 14:98, operating a vehicle while intoxicated, third conviction,
7 previously received parole, probation, or suspension of sentence.

8 (111) R.S. 14:98, operating a vehicle while intoxicated, third conviction.

9 (112) R.S. 14:98, operating a vehicle while intoxicated, third conviction,
10 if child endangerment law applies.

11 (113) R.S. 14:98, operating a vehicle while intoxicated, second conviction,
12 if child endangerment law applies.

13 (114) R.S. 14:98, operating a vehicle while intoxicated, second conviction
14 when first conviction was vehicular homicide or negligent injuring.

15 (115) R.S. 14:99.1, hit and run damaging of a potable waterline by
16 operation of a watercraft or vessel.

17 (116) R.S. 14:101.1, purchase or sale of human organs.

18 (117) R.S. 14:102.8, injuring or killing of a police animal.

19 (118) R.S. 14:102.22, harboring or concealing an animal which has bitten
20 or inflicted serious bodily injury on a human.

21 (119) R.S. 14:102.23, cockfighting, second offense.

22 (120) R.S. 14:106, obscenity, first or second offense.

23 (121) R.S. 14:106, obscenity, third offense.

24 (122) R.S. 14:106(A)(5), obscenity, solicitation or enticement of an
25 unmarried person under the age of seventeen years to commit any act.

26 (123) R.S. 14:106.1, promotion or wholesale promotion of obscene
27 devices.

28 (124) R.S. 14:107.1, ritualistic acts.

29 (125) R.S. 14:107.2, hate crimes, underlying offense is a felony.

- 1 (126) R.S. 14:108.1(C), aggravated flight from an officer.
- 2 (127) R.S. 14:108.2, resisting a police officer with force or violence.
- 3 (128) R.S. 14:110, simple escape, from place where legally confined or
4 from custody of law enforcement officer.
- 5 (129) R.S. 14:110, simple escape, home incarceration program.
- 6 (130) R.S. 14:110.1, jumping bail, felonies.
- 7 (131) R.S. 14:110.1.1, out-of-state bail jumping.
- 8 (132) R.S. 14:110.1.2, providing false, nonexistent, or incomplete
9 declaration of residence for bail, when underlying offense is a felony.
- 10 (133) R.S. 14:110.3, tampering with surveillance, accounting, inventory,
11 or monitoring systems, if the system is on the premise of a correctional facility.
- 12 (134) R.S. 14:111, assisting escape.
- 13 (135) R.S. 14:112.1, false personation of a peace officer or firefighter.
- 14 (136) R.S. 14:112.3, aiding and abetting the fraudulent portrayal of a law
15 enforcement officer or firefighter.
- 16 (137) R.S. 14:118, public bribery.
- 17 (138) R.S. 14:118.1, bribery of sports participants.
- 18 (139) R.S. 14:122, public intimidation.
- 19 (140) R.S. 14:123, perjury, not a trial in which a sentence of death or life
20 imprisonment or imprisonment at hard labor may be imposed.
- 21 (141) R.S. 14:125.2, false statements concerning paternity.
- 22 (142) R.S. 14:126.1, false swearing for purpose of violating public health
23 or safety.
- 24 (143) R.S. 14:126.2, false swearing concerning denial of constitutional
25 rights.
- 26 (144) R.S. 14:126.3.1, unauthorized participation in medical assistance
27 programs, when an underlying criminal conviction is a felony.
- 28 (145) R.S. 14:129, jury tampering, civil case.
- 29 (146) R.S. 14:129.1, intimidating, impeding, or injuring witnesses, civil

1 case.

2 (147) R.S. 14:129.1, intimidating, impeding, or injuring witnesses, not a
3 trial in which a sentence of death or life imprisonment or imprisonment at hard
4 labor may be imposed.

5 (148) R.S. 14:130.1, obstruction of justice, not a trial in which a sentence
6 of death or life imprisonment or imprisonment at hard labor may be imposed.

7 (149) R.S. 14:131, compounding a felony.

8 (150) R.S. 14:132, injuring public records, first degree.

9 (151) R.S. 14:133, filing or maintaining false public records.

10 (152) R.S. 14:133.6, filing a false lean against a law enforcement or court
11 officer.

12 (153) R.S. 14:134, malfeasance in office.

13 (154) R.S. 14:134.2, malfeasance in office; tampering with evidence.

14 (155) R.S. 14:134.3, abuse of office.

15 (156) R.S. 14:135, public salary deduction.

16 (157) R.S. 14:136, public salary extortion.

17 (158) R.S. 14:138, public payroll fraud.

18 (159) R.S. 14:139, political payroll padding.

19 (160) R.S. 14:139.1, political payroll padding by sheriff.

20 (161) R.S. 14:139.2, transfer of capital assets of clerk of court's office.

21 (162) R.S. 14:140, public contract fraud.

22 (163) R.S. 14:141, prohibited splitting of profits, fees, or commissions.

23 (164) R.S. 14:202, contractors; misapplication of payments prohibited,
24 amount greater than one thousand dollars.

25 (165) R.S. 14:202.1, residential contractor fraud, taking valued at five
26 hundred dollars or more but less than one thousand five hundred dollars.

27 (166) R.S. 14:204.1, fire-raising in a correctional facility.

28 (167) R.S. 14:207, motor vehicles, alteration or removal of identifying
29 numbers prohibited.

- 1 (168) R.S. 14:207, motor vehicles, alteration or removal of identifying
2 numbers prohibited, second offense.
- 3 (169) R.S. 14:207, motor vehicles, alteration or removal of identifying
4 numbers prohibited, third or subsequent offense.
- 5 (170) R.S. 14:209, seals, breaking prohibited.
- 6 (171) R.S. 14:218, seafood sales and purchases; commercial license
7 required, third offense.
- 8 (172) R.S. 14:220, rented or leased motor vehicles, obtaining by false
9 representation.
- 10 (173) R.S. 14:220.1, leased movables, obtaining by false representation,
11 value of one thousand dollars or more.
- 12 (174) R.S. 14:221, avoiding payment for telecommunications, second
13 offense.
- 14 (175) R.S. 14:222.1, unauthorized interception, interference with, or
15 retransmission of services offered over a cable television system.
- 16 (176) R.S. 14:222.2, cellular telephone counterfeiting, possession.
- 17 (177) R.S. 14:222.2, cellular telephone counterfeiting, sale.
- 18 (178) R.S. 14:222.3, unlawful use of a cellular tracking device.
- 19 (179) R.S. 14:223, sound reproductions without consent, one hundred or
20 more phone records.
- 21 (180) R.S. 14:223, sound reproductions without consent, second or
22 subsequent offense.
- 23 (181) R.S. 14:223.5, recording of performances without consent, one
24 hundred or more recordings.
- 25 (182) R.S. 14:223.5, recording of performances without consent, second
26 or subsequent offense.
- 27 (183) R.S. 14:223.6, rental or sale of improperly labeled articles, one
28 hundred or more articles.
- 29 (184) R.S. 14:223.6, rental or sale of improperly labeled articles, second

- 1 or subsequent offense.
- 2 (185) R.S. 14:223.7, counterfeiting or possessing counterfeit labels, one
- 3 hundred or more labels.
- 4 (186) R.S. 14:223.7, counterfeiting or possessing counterfeit labels,
- 5 second or subsequent offense.
- 6 (187) R.S. 14:223.8, possessing of tools and equipment used for
- 7 manufacturing unauthorized sound recordings, first offense.
- 8 (188) R.S. 14:223.8, possessing of tools and equipment used for
- 9 manufacturing unauthorized sound recording, second offense.
- 10 (189) R.S. 14:223.9, unlawful operation of a recording device, second and
- 11 subsequent offense.
- 12 (190) R.S. 14:225(B)(2), institutional vandalism, damage amounts to five
- 13 hundred dollars but less than fifty thousand dollars.
- 14 (191) R.S. 14:229, illegal use of counterfeit trademark.
- 15 (192) R.S. 14:231, counterfeit and nonfunctional air bags prohibited,
- 16 manufacture, import, sale, or offer for sale of a counterfeit or nonfunctional air
- 17 bag, cumulative sales price is one hundred thousand dollars or more.
- 18 (193) R.S. 14:231, counterfeit and nonfunctional air bags prohibited,
- 19 manufacture, import, sale, or offer for sale of a counterfeit or nonfunctional air
- 20 bag, cumulative sales price at least five thousand dollars but less than one
- 21 hundred thousand dollars.
- 22 (194) R.S. 14:283, video voyeurism, second and subsequent offense.
- 23 (195) R.S. 14:283, video voyeurism, involving sexual intercourse.
- 24 (196) R.S. 14:283, video voyeurism.
- 25 (197) R.S. 14:283.2, nonconsensual disclosure of private image.
- 26 (198) R.S. 14:285, telephone communications; improper language;
- 27 harassment, second and subsequent offense.
- 28 (199) R.S. 14:313, masks or hoods, wearing in public places prohibited,
- 29 sex offenders.

1 (200) R.S. 14:313.1, distributing candy or gifts on Halloween and other
2 public holidays by "sex offenders" prohibited.

3 (201) R.S. 14:327, obstructing a fireman, act constituting the offense is
4 not equivalent to manslaughter, aggravated battery, simple battery, aggravated
5 assault, or false imprisonment.

6 (202) R.S. 14:329, interfering with law enforcement investigation.

7 (203) R.S. 14:329.1, riot, if serious bodily injury or any property damage
8 in excess of five thousand dollars occurs.

9 (204) R.S. 14:329.2, inciting a riot, if serious bodily injury or any
10 property damage in excess of five thousand dollars occurs.

11 (205) R.S. 14:329.3, command to disperse, failure to comply, if serious
12 bodily injury or any property damage in excess of five thousand dollars occurs.

13 (206) R.S. 14:329.4, wrongful use of public property, if serious bodily
14 injury or any property damage in excess of five thousand dollars occurs.

15 (207) R.S. 14:329.5, prohibition of interference with educational process,
16 if serious bodily injury or any property damage in excess of five thousand
17 dollars occurs.

18 (208) R.S. 14:336, unlawful aiming of laser at an aircraft, first conviction.

19 (209) R.S. 14:356, sheriffs, solicitation of legal business prohibited.

20 (210) R.S. 14:356.1, unlawful referrals by wrecker drivers and others.

21 (211) R.S. 14:356.3, unlawful referrals by ambulance drivers and others.

22 (212) R.S. 14:362, registration of organizations.

23 (213) R.S. 14:363, registration of individuals.

24 (214) R.S. 14:367, labeling of propaganda.

25 (215) R.S. 14:375, illegal consideration for criminal bail bonds, amount
26 charged or received valued at one hundred dollars or more but less than five
27 hundred dollars.

28 (216) R.S. 14:375, illegal consideration for criminal bail bonds, amount
29 charged or received valued at five hundred dollars or more.

1 (217) R.S. 14:388, false statements in affidavit as perjury, criminal
2 proceeding not involving a sentence of death or life imprisonment or necessarily
3 punishable by imprisonment at hard labor.

4 (218) R.S. 14:402(A), contraband defined, introduction of contraband
5 into or upon the grounds of any state correctional institution.

6 (219) R.S. 14:402(B), contraband defined, possession of contraband upon
7 the grounds of any state correctional institution.

8 (220) R.S. 14:402.1, taking of contraband to state-owned hospitals
9 unlawful.

10 (221) R.S. 14:404, self-mutilation by a prisoner.

11 (222) R.S. 14:511, loansharking.

12 (223) R.S. 15:542.1.4, failure to register and notify as a sex offender or
13 child predator, first offense.

14 (224) R.S. 21:21, fraud in obtaining accommodations.

15 (225) R.S. 22:1924, prohibited activities and sanctions, insurance fraud.

16 (226) R.S. 22:1925, automobile insurance policies, fraud.

17 (227) R.S. 23:1208, misrepresentations concerning benefit payments,
18 benefits claimed or payments obtained have a value of two thousand five
19 hundred dollars or more, but less than a value of ten thousand dollars.

20 (228) R.S. 32:724, transfer and possession of stolen vehicles.

21 (229) R.S. 37:219, unlawful payments by attorneys.

22 (230) R.S. 37:788, violations, practicing dentistry or dental hygiene
23 without a license.

24 (231) R.S. 37:925, violations, practicing nursing without a license.

25 (232) R.S. 40:962.1.1, possession of twelve grams or more of ephedrine,
26 pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and
27 salts of optical isomers.

28 (233) R.S. 40:971.1, prohibited acts, false representation of a controlled
29 dangerous substance.

1 (234) R.S. 40:1031, possession of drug paraphernalia, third or
2 subsequent offense.

3 (235) R.S. 40:1041, transactions involving proceeds from drug offenses.

4 (236) R.S. 40:1752, handling of machine guns unlawful, first offense.

5 (237) R.S. 40:1785, possession or dealing in unregistered or illegally
6 transferred weapons, second or subsequent offense.

7 (238) R.S. 40:1785, possession or dealing in unregistered or illegally
8 transferred weapons, first offense.

9 (239) R.S. 40:1788, obliterating, removing, changing or altering
10 manufacturer identification mark, first offense.

11 (240) R.S. 40:1792, possession of unidentifiable firearm.

12 **F. The following offenses are Class F felonies:**

13 (1) R.S. 14:26, noncapital or life imprisonment offense.

14 (2) R.S. 14:27, attempt.

15 (3) R.S. 14:27, attempt, if punishable by death or life imprisonment and
16 the victim is a law enforcement officer in performance of his duties.

17 (4) R.S. 14:27, attempt, if punishable by death or life imprisonment.

18 (5) R.S. 14:43.1, sexual battery, when the victim is under the age of
19 thirteen years and the offender is seventeen years of age or older.

20 (6) R.S. 14:43.2, second degree sexual battery, when the victim is under
21 the age of thirteen years and the offender is seventeen years of age or older.

22 (7) R.S. 14:43.2, second degree sexual battery, when the offender is
23 seventeen years of age or older, and either the act is without the consent of the
24 victim and the victim is over sixty-five years of age, or the act is without the
25 consent of the victim and the victim is unable to resist.

26 (8) R.S. 14:43.3, oral sexual battery, when the victim is under the age of
27 thirteen years and the offender is seventeen years of age or older.

28 (9) R.S. 14:43.3, oral sexual battery, when the offender is seventeen years
29 of age or older, and either the act is without the consent of the victim and the

1 victim is over sixty-five years of age, or the act is without the consent of the
2 victim and the victim is unable to resist.

3 (10) R.S. 14:46.2, human trafficking, victim under the age of eighteen
4 years.

5 (11) R.S. 14:46.2, human trafficking.

6 (12) R.S. 14:46.2, human trafficking, with commercial sexual activity.

7 (13) R.S. 14:46.2, human trafficking, victim under the age of twenty-one
8 years, with commercial sexual activity.

9 (14) R.S. 14:46.3, trafficking of children for sexual purposes, when the
10 offender was previously convicted of a sex offense involving a victim under the
11 age of eighteen years.

12 (15) R.S. 14:46.3, trafficking of children for sexual purposes, victim
13 under the age of fourteen years, and the offender is a parent, legal guardian, or
14 person having custody.

15 (16) R.S. 14:73.8, unauthorized use of a wireless router system;
16 pornography involving juveniles, when the victim is under the age of thirteen
17 years and the offender is seventeen years of age or older.

18 (17) R.S. 14:81.1, pornography involving juveniles, possession with intent
19 to distribute, victim under the age of thirteen years.

20 (18) R.S. 14:81.2, molestation of a juvenile or a person with a physical or
21 mental disability, victim under the age of thirteen years or physically or
22 mentally disabled.

23 (19) R.S. 14:82.1, prostitution, person under the age of fourteen years.

24 (20) R.S. 14:82.2, purchase of commercial sexual activity, victim is
25 fourteen years of age or older but less than eighteen years of age or is known to
26 be a victim of human trafficking.

27 (21) R.S. 14:82.2, purchase of commercial sexual activity, victim under
28 the age of fourteen years.

29 (22) R.S. 14:87.3, prohibited sale, receipt, or transport of fetal organs

1 and body parts.

2 (23) R.S. 14:89.1, aggravated crime against nature, if offender and victim
3 are related and the victim is under the age of thirteen years and the offender is
4 seventeen years of age or older.

5 (24) R.S. 14:89.2, crime against nature by solicitation, if the person
6 solicited is under the age of fourteen years.

7 (25) R.S. 14:128.1, terrorism, intentional aggravated criminal damage
8 to property.

9 (26) R.S. 14:128.1, terrorism, aggravated arson upon any structure,
10 watercraft, or movable.

11 (27) R.S. 14:128.1, terrorism, kidnapping of a human being.

12 (28) R.S. 14:128.1, terrorism, intentional infliction of serious bodily
13 injury upon a human being.

14 (29) R.S. 14:128.2, aiding others in terrorism.

15 (30) R.S. 14:129, jury tampering, offense is not punishable by death or
16 life imprisonment.

17 (31) R.S. 14:282, operation of places of prostitution prohibited, person
18 under the age of eighteen years.

19 (32) R.S. 14:282, operation of places of prostitution, person under the age
20 of fourteen years.

21 (33) R.S. 14:327, obstructing a fireman, attempted obstruction.

22 (34) R.S. 15:1403, criminal street gangs and patterns of criminal street
23 gang activity, felony committed for the benefit of a criminal street gang.

24 (35) R.S. 40:981, distribution to persons under eighteen years of age, not
25 Schedule I or II narcotic substances.

26 (36) R.S. 40:981.1, distribution to a student.

27 (37) R.S. 40:981.3, violation of Uniform Controlled Dangerous
28 Substances Law; drug free zone.

29 (38) R.S. 40:981.3(A)(3), violation of Uniform Controlled Dangerous

1 Substances Law; drug free zone, while on religious building, public housing
2 authority, or child day care center property, or within two thousand feet of such
3 property, if the area is posted as a drug free zone.

4 G. Notwithstanding any other provision of law to the contrary, including
5 any term of imprisonment set forth in the provision defining the penalty of any
6 particular offense set forth in Subsections A through F of this Section, the
7 penalties set forth in R.S. 14:6.3 shall be the only penalties applicable to any
8 felony designated by class in this Section.

9 H. In addition to the felonies designated by class in Subsections A
10 through F of this Section, any other offense may be designated as a Class A, B,
11 C, D, E, or F felony, respectively, or sentenced as a Class A, B, C, D, E, or F
12 felony, respectively, within the provision defining the elements of the offense.

13 §6.3. Penalties; felony classes

14 A. Penalties for each class of felony shall be as follows:

15 (1) For a Class A felony, imprisonment at hard labor for not less than ten
16 years nor more than forty years, ten years of which shall be served without the
17 benefit of probation, parole, or suspension of sentence, and in addition, any fine
18 that shall or may be imposed pursuant to the statutory provision defining the
19 penalties for the particular offense.

20 (2)(a) For a Class B felony, imprisonment at hard labor for not less than
21 two years nor more than forty years, and in addition, any fine that shall or may
22 be imposed pursuant to the statutory provision defining the penalties for the
23 particular offense.

24 (b) If a Class B felony is a crime of violence pursuant to R.S. 14:2(B) or
25 a sex offense pursuant to R.S. 15:541, then two years of the sentence of
26 imprisonment imposed shall be served without the benefit of probation, parole,
27 or suspension of sentence.

28 (3)(a) For a Class C felony, imprisonment at hard labor for not less than
29 one year nor more than twenty years, and in addition, any fine that shall or may

1 be imposed pursuant to the statutory provision defining the penalties for the
2 particular offense.

3 (b) If the Class C felony is a crime of violence pursuant to R.S. 14:2(B)
4 or a sex offense pursuant to R.S. 15:541, then one year of the sentence of
5 imprisonment imposed shall be served without the benefit of probation, parole,
6 or suspension of sentence.

7 (4) For a Class D felony, imprisonment, with or without hard labor, for
8 not less than one year nor more than ten years, or any fine set forth in the
9 statutory provision defining the penalties for the particular offense, or both.

10 (5) For a Class E felony, unless otherwise specified, imprisonment, with
11 or without hard labor, for not less than one year nor more than five years, or
12 any fine set forth in the statutory provision defining the penalties for the
13 particular offense. Unless the defendant has his sentence suspended pursuant
14 to Code of Criminal Procedure Article 893, the court shall order that the
15 defendant be imprisoned for a period of not more than two years, and that the
16 remainder of the sentence, if applicable, be suspended notwithstanding any
17 other provision of law to the contrary.

18 (6) For a Class F felony, imprisonment as authorized by the statutory
19 provision defining the penalties for the particular offense, or any fine set forth
20 in the statutory provision defining the penalties for the particular offense, or
21 both.

22 B. The terms of imprisonment, and any conditions thereon, imposed
23 pursuant to Subsection A of this Section are mandatory and shall supercede any
24 term of imprisonment or conditions thereon that may be set forth in the
25 statutory provision defining the penalties for any offense enumerated in R.S.
26 14:6.2.

27 * * *

28 §60. Aggravated burglary

29 A. Aggravated burglary is the unauthorized entering of any inhabited

1 dwelling, or of any structure, water craft, or movable where a person is present, with
2 the intent to commit a felony or any theft therein, under any of the following
3 circumstances:

4 (1) If the offender is armed with a dangerous weapon: **or if**
5 ~~(2) If, after entering, the offender arms himself with a dangerous weapon.~~

6 ~~(3)(2) If the offender commits a battery upon any person while in such place,~~
7 ~~or in entering or leaving such place~~ **intends to commit a crime of violence, as**
8 **defined in R.S. 14:2(B).**

9 **(3) If, at the time of the unauthorized entering there is present in the**
10 **dwelling or structure any person who is under the age of twelve years, or who**
11 **is sixty-five years of age or older, or who has a developmental disability as**
12 **defined in R.S. 28:451.2.**

13 B. Whoever commits the crime of aggravated burglary shall be ~~imprisoned~~
14 ~~at hard labor for not less than one nor more than thirty years~~ **sentenced as a Class**
15 **C felony.**

16 * * *

17 §67. Theft

18 * * *

19 B.(1) Whoever commits the crime of theft when the misappropriation or
20 taking amounts to a value of twenty-five thousand dollars or more shall be
21 ~~imprisoned, with or without hard labor, for not less than five years nor more than~~
22 ~~twenty years~~ **sentenced as a Class C felony,** or may be fined not more than fifty
23 thousand dollars, or both.

24 (2) When the misappropriation or taking amounts to a value of five thousand
25 dollars or more, but less than a value of twenty-five thousand dollars, the offender
26 shall be ~~imprisoned, with or without hard labor, for not more than ten years~~
27 **sentenced as a Class D felony,** or may be fined not more than ten thousand dollars,
28 or both.

29 (3) When the misappropriation or taking amounts to a value of ~~seven hundred~~

1 ~~forty~~ **one thousand** dollars or more, but less than a value of five thousand dollars, the
2 offender shall be ~~imprisoned, with or without hard labor, for not more than five years~~
3 **sentenced to a Class E felony**, or may be fined not more than three thousand
4 dollars, or both.

5 (4) When the misappropriation or taking amounts to less than a value of
6 ~~seven hundred fifty~~ **one thousand five hundred** dollars, the offender shall be
7 imprisoned for not more than six months, or may be fined not more than one
8 thousand dollars, or both. If the offender in such cases has been convicted of theft
9 two or more times previously, upon any subsequent conviction he shall be
10 ~~imprisoned, with or without hard labor, for not more than two years~~ **sentenced as a**
11 **Class E felony**, or may be fined not more than two thousand dollars, or both.

12 * * *

13 §67.16. Identity theft

14 * * *

15 C.(1)(a) Whoever commits the crime of identity theft when credit, money,
16 goods, services, or any thing else of value is obtained, possessed, or transferred,
17 which amounts to a value of ~~one~~ **twenty-five** thousand dollars or more, shall be
18 ~~imprisoned, with or without hard labor, for not more than ten years~~ **sentenced as a**
19 **Class C felony**, or may be fined not more than ~~ten~~ **fifty** thousand dollars, or both.

20 (b) ~~Whoever commits the crime of identity theft when the victim is sixty~~
21 ~~years of age or older or a person with a disability when the credit, money, goods,~~
22 ~~services, or any thing else of value is obtained which amounts to a value of one~~
23 ~~thousand dollars or more, shall be imprisoned, with or without hard labor, for not~~
24 ~~less than three years and for not more than ten years, or may be fined not more than~~
25 ~~ten thousand dollars, or both.~~

26 (c) ~~Whoever commits the crime of identity theft when the victim is under the~~
27 ~~age of seventeen when the credit, money, goods, services, or any thing else of value~~
28 ~~is obtained which amounts to a value of one thousand dollars or more, shall be~~
29 ~~imprisoned, with or without hard labor, for not less than three years and for not more~~

1 ~~than ten years, or may be fined not more than ten thousand dollars, or both.~~

2 (2)(a) Whoever commits the crime of identity theft when credit, money,
3 goods, services, or any thing else of value is obtained, possessed, or transferred,
4 which amounts to a value of ~~five hundred~~ **five thousand** dollars or more, but less
5 than ~~one~~ **a value of twenty-five** thousand dollars, shall be imprisoned, ~~with or~~
6 ~~without hard labor, for not more than five years~~ **sentenced as a Class D felony**, or
7 may be fined not more than ~~five~~ **ten** thousand dollars, or both.

8 (b) ~~Whoever commits the crime of identity theft when the victim is sixty~~
9 ~~years of age or older or a person with a disability when the credit, money, goods,~~
10 ~~services, or any thing else of value is obtained which amounts to a value of five~~
11 ~~hundred dollars or more, but less than one thousand dollars, shall be imprisoned,~~
12 ~~with or without hard labor, for not less than two years and not more than five years,~~
13 ~~or may be fined not more than five thousand dollars, or both.~~

14 (c) ~~Whoever commits the crime of identity theft when the victim is under the~~
15 ~~age of seventeen when the credit, money, goods, services, or any thing else of value~~
16 ~~is obtained which amounts to a value of five hundred dollars or more, but less than~~
17 ~~one thousand dollars, shall be imprisoned, with or without hard labor, for not less~~
18 ~~than two years and not more than five years, or may be fined not more than five~~
19 ~~thousand dollars, or both.~~

20 (3)(a) Whoever commits the crime of identity theft when credit, money,
21 goods, services, or any thing else of value is obtained, possessed, or transferred,
22 which amounts to a value of ~~three~~ **one thousand five** hundred dollars or more, but
23 less than **a value of five hundred thousand** dollars, shall be imprisoned, ~~with or~~
24 ~~without hard labor, for not more than three years~~ **sentenced as a Class E felony**, or
25 may be fined not more than three thousand dollars, or both.

26 (b) ~~Whoever commits the crime of identity theft when the victim is sixty~~
27 ~~years of age or older or a person with a disability when the credit, money, goods,~~
28 ~~services, or any thing else of value is obtained which amounts to a value of three~~
29 ~~hundred dollars or more, but less than five hundred dollars, shall be imprisoned, with~~

1 ~~or without hard labor, for not less than one year and not more than three years, or~~
2 ~~may be fined not more than three thousand dollars, or both.~~

3 ~~(c) Whoever commits the crime of identity theft when the victim is under the~~
4 ~~age of seventeen when the credit, money, goods, services, or any thing else of value~~
5 ~~is obtained which amounts to a value of three hundred dollars or more, but less than~~
6 ~~five hundred dollars, shall be imprisoned, with or without hard labor, for not less~~
7 ~~than one year and not more than three years, or may be fined not more than three~~
8 ~~thousand dollars, or both.~~

9 (4)(a) Whoever commits the crime of identity theft when credit, money,
10 goods, services, or any thing else of value is obtained, possessed, or transferred,
11 which amounts to a value less than **three one thousand five** hundred dollars, shall
12 be imprisoned for not more than six months, or may be fined not more than five
13 hundred dollars, or both. **If the offender in such cases has been convicted of theft**
14 **two or more times previously, then upon any subsequent conviction the offender**
15 **shall be sentenced as a Class E felony, or may be fined not more than two**
16 **thousand dollars, or both.**

17 ~~(b) Whoever commits the crime of identity theft when the victim is sixty~~
18 ~~years of age or older or a person with a disability when the credit, money, goods,~~
19 ~~services, or any thing else of value is obtained which amounts to a value less than~~
20 ~~three hundred dollars, shall be imprisoned with or without hard labor, for not less~~
21 ~~than six months and not more than one year, or may be fined not more than five~~
22 ~~hundred dollars, or both.~~

23 ~~(c) Whoever commits the crime of identity theft when the victim is under the~~
24 ~~age of seventeen when the credit, money, goods, services, or any thing else of value~~
25 ~~is obtained which amounts to a value less than three hundred dollars, shall be~~
26 ~~imprisoned with or without hard labor, for not less than six months and not more~~
27 ~~than one year, or may be fined not more than five hundred dollars, or both.~~

28 ~~D. Upon a third or subsequent conviction of a violation of the provisions of~~
29 ~~this Section, the offender shall be imprisoned, with or without hard labor, for not~~

1 ~~more than ten years, or may be fined not more than twenty thousand dollars, or both.~~

2 E. When there has been a theft by a number of distinct acts of the offender,
3 the aggregate of the amount of the theft shall determine the grade of the offense.

4 ~~F.~~E. In addition to the foregoing penalties, a person convicted under this
5 Section shall be ordered to make full restitution to the victim and any other person
6 who has suffered a financial loss as a result of the offense. If a person ordered to
7 make restitution pursuant to this Section is found to be indigent and therefore unable
8 to make restitution in full at the time of conviction, the court shall order a periodic
9 payment plan consistent with the person's financial ability.

10 ~~G.~~F. The provisions of this Section shall not apply to any person who obtains
11 another's driver's license or other form of identification for the sole purpose of
12 misrepresenting his age.

13 ~~H.~~G.(1) Any person who has learned or reasonably suspects that his personal
14 identifying information has been unlawfully used by another in violation of any
15 provision of this Section may initiate a law enforcement investigation by contacting
16 the local law enforcement agency that has jurisdiction over the area of his residence.
17 Any law enforcement agency which is requested to conduct an investigation under
18 the provisions of this Subsection shall take a police report of the matter from the
19 victim, provide the complainant with a copy of such report, and begin an
20 investigation of the facts. If the crime was committed in a different jurisdiction, the
21 agency preparing the report shall refer the matter, with a copy of the report, to the
22 local law enforcement agency having jurisdiction over the area in which the alleged
23 crime was committed for an investigation of the facts.

24 (2) Any officer of any law enforcement agency who investigates an alleged
25 violation in compliance with the provisions of this Subsection shall make a written
26 report of the investigation that includes the name of the victim; the name of the
27 suspect, if known; the type of personal identifying information obtained, possessed,
28 transferred, or used in violation of this Section; and the results of the investigation.
29 At the request of the victim who has requested the investigation, the law enforcement

1 agency shall provide to such victim the report created under the provisions of this
2 Paragraph. In providing the report, the agency shall eliminate any information that
3 is included in the report other than the information required by this Paragraph.

4 * * *

5 §67.25. Organized retail theft

6 * * *

7 D.(1) Whoever commits the crime of organized retail theft when the
8 aggregate amount of the misappropriation, taking, purchasing, possessing, procuring,
9 receiving, or concealing in any one-hundred-eighty-day period amounts to a value
10 ~~less than five hundred dollars shall be imprisoned with or without hard labor for not~~
11 ~~more than two years~~ **twenty-five thousand dollars or more shall be sentenced as**
12 **a Class C felony**, or may be fined not more than ~~two~~ **fifty** thousand dollars, or both.

13 E.(2) Whoever commits the crime of organized retail theft when the
14 aggregate amount of the misappropriation, taking, purchasing, possessing, procuring,
15 receiving, or concealing in any one-hundred-eighty-day period amounts to a value
16 ~~more than five hundred dollars shall be imprisoned with or without hard labor for not~~
17 ~~more than ten years~~ **of five thousand dollars or more, but less than a value of**
18 **twenty-five thousand dollars, shall be sentenced as a Class D felony**, or may be
19 fined not more than ten thousand dollars, or both.

20 **(3) Whoever commits the crime of organized retail theft when the**
21 **aggregate amount of the misappropriation, taking, purchasing, possessing,**
22 **procuring, receiving, or concealing in any one-hundred-eighty-day period**
23 **amounts to a value of one thousand five hundred dollars or more but less than**
24 **a value of five thousand dollars, shall be sentenced as a Class E felony, or may**
25 **be fined not more than three thousand dollars, or both.**

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

1 previously, upon any subsequent conviction the offender shall be sentenced as
2 a Class E felony, or may be fined not more than two thousand dollars, or both.

3 §67.26. Theft of a motor vehicle

4 * * *

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

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

16 (3) Whoever commits the crime of theft of a motor vehicle when the
17 misappropriation or taking amounts to a ~~sum of less than five hundred dollars shall~~
18 ~~be imprisoned for not more than six months~~ value of one thousand five hundred
19 dollars or more but less than a value of five thousand dollars shall be sentenced
20 as a Class E felony, or may be fined not more than ~~one~~ three thousand dollars, or
21 both.

22 (4) When the misappropriation or taking amounts to less than a value of
23 one thousand five hundred dollars, the offender shall be imprisoned for not
24 more than six months, or may be fined not more than one thousand dollars, or
25 both. If the offender in such cases has been convicted of theft two or more times
26 previously, then upon any subsequent conviction the offender shall be sentenced
27 as a Class E felony, or may be fined not more than two thousand dollars, or
28 both.

29 * * *

1 E. Whoever commits the crime of filing a false affidavit to support an alleged
2 theft of a motor vehicle shall be ~~imprisoned for not more than five years with or~~
3 ~~without hard labor~~ **sentenced as a Class E felony**, or shall be fined not more than
4 five thousand dollars, or both.

5 * * *

6 §68. Unauthorized use of a movable

7 * * *

8 B. Whoever commits the crime of unauthorized use of a movable having a
9 value of **one thousand** five hundred dollars or less shall be fined not more than five
10 hundred dollars, imprisoned for not more than six months, or both. Whoever
11 commits the crime of unauthorized use of a movable having a value in excess of **one**
12 **thousand** five hundred dollars shall be fined not more than five thousand dollars,
13 ~~imprisoned with or without hard labor for not more than five years~~ **or sentenced as**
14 **a Class E felony**, or both.

15 * * *

16 §68.4. Unauthorized use of a motor vehicle

17 * * *

18 B. Whoever commits the crime of unauthorized use of a motor vehicle shall
19 be fined not more than five thousand dollars or ~~imprisoned with or without hard~~
20 ~~labor for not more than ten years or both~~ **sentenced as a Class E felony**.

21 * * *

22 §68.7. Receipts and universal product code labels; unlawful acts

23 * * *

24 B.(1) Except as provided in Paragraphs (3) and (4) of this Subsection,
25 whoever violates the provisions of this Section shall be subject to the following
26 **penalties:**

27 (a) When the fair market value of the goods which are the subject of the
28 falsified retail sales receipts or universal product code labels, as described in
29 Subsection A of this Section, ~~equals one thousand five hundred dollars or more,~~

1 ~~imprisonment, with or without hard labor, for not more than ten years~~ **amounts to**
 2 **a value of twenty-five thousand dollars or more, the offender shall be sentenced**
 3 **as a Class C felony**, or a fine not to exceed ~~three~~ **fifty** thousand dollars, or both.

4 (b) When the fair market value of the goods which are the subject of the
 5 falsified retail sales receipts or universal product code labels, as described in
 6 Subsection A of this Section, ~~equals five hundred dollars or more but less than one~~
 7 ~~thousand five hundred dollars, imprisonment, with or without hard labor, for not~~
 8 ~~more than five years~~ **amounts to a value of five thousand dollars or more, but less**
 9 **than a value of twenty-five thousand dollars, shall be sentenced as a Class D**
 10 **felony**, or a fine of not more than ~~two~~ **ten** thousand dollars, or both.

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

21 **(d) When the fair market value of the goods which are the subject of the**
 22 **falsified retail sales receipts or universal product code labels, as described in**
 23 **Subsection A of this Section, amounts to a value of less than one thousand five**
 24 **hundred dollars, the offender shall be imprisoned for not more than six months,**
 25 **or fined not more than five hundred dollars, or both. If a person is convicted**
 26 **of theft two or more times previously, upon any subsequent conviction, he shall**
 27 **be sentenced as a Class E felony, or fined not more than two thousand dollars,**
 28 **or both.**

29 (2) When there has been a violation of this Section by a number of distinct

1 acts of the offender, the aggregate amount of the goods taken shall determine the
2 grade of the offense.

3 ~~(3) Possessing more than one fraudulent retail sales receipt or universal~~
4 ~~product code label in violation of the provisions of this Section shall be punishable~~
5 ~~by imprisonment, with or without hard labor, for a period not to exceed ten years, or~~
6 ~~a fine not to exceed three thousand dollars, or both.~~

7 ~~(4) Possessing a device which has as its specific purpose the manufacture of~~
8 ~~fraudulent retail sales receipts or universal product code labels in violation of the~~
9 ~~provisions of this Section shall be punishable by imprisonment, with or without hard~~
10 ~~labor, for a period not to exceed five years sentenced as a Class D felony, or a fine~~
11 ~~not to exceed three thousand dollars, or both.~~

12 §69. Illegal possession of stolen things

13 * * *

14 B.(1) Whoever commits the crime of illegal possession of stolen things, when
15 the value of the things is ~~one thousand five hundred dollars or more, shall be~~
16 ~~imprisoned, with or without hard labor, for not more than ten years twenty-five~~
17 ~~thousand dollars or more, shall be sentenced as a Class C felony, or may be fined~~
18 ~~not more than ~~three~~ fifty thousand dollars, or both.~~

19 (2) When the value of the stolen things is ~~five hundred dollars or more, but~~
20 ~~less than one thousand five hundred dollars, the offender shall be imprisoned, with~~
21 ~~or without hard labor, for not more than five years five thousand dollars or more,~~
22 ~~but less than a value of twenty-five thousand dollars, shall be sentenced as a~~
23 ~~Class D felony, or may be fined not more than ~~two~~ ten thousand dollars, or both.~~

24 (3) When the value of the stolen things is one thousand five hundred
25 dollars or more, but less than a value of five thousand dollars, the offender shall
26 be sentenced as a Class E felony, or may be fined not more than three thousand
27 dollars, or both.

28 (4) When the value of the stolen things is less than one thousand five
29 hundred dollars, the offender shall be imprisoned for not more than six months or

1 more than three thousand dollars, or both.

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

5 ~~(4)(5)~~ Upon a third or subsequent conviction of a violation of the provisions
6 of this Section theft, the offender shall be imprisoned, with or without hard labor,
7 for not more than ten years sentenced as a Class E felony, or may be fined not more
8 than ~~ten~~ two thousand dollars, or both.

9 * * *

10 §71. Issuing worthless checks

11 * * *

12 C.(1) Whoever commits the crime of issuing worthless checks, when the
13 amount of the check or checks is ~~one thousand five hundred~~ twenty-five thousand
14 dollars or more, shall be imprisoned, with or without hard labor, for not more than
15 ~~ten years~~ sentenced as a Class C felony, or may be fined not more than ~~three~~ fifty
16 thousand dollars, or both.

17 ~~D.~~(2) When the amount of the check or checks is five ~~hundred~~ thousand
18 dollars or more, but less than ~~one~~ twenty-five thousand ~~five hundred~~ dollars, the
19 offender shall be imprisoned, with or without hard labor, for not more than five years
20 sentenced as a Class D felony, or may be fined not more than ~~two~~ ten thousand
21 dollars, or both.

22 (3) When the amount of the check or checks is more than one thousand
23 five hundred dollars, but less than five thousand dollars, the offender shall be
24 sentenced as a Class E felony, or may be fined not more than three thousand
25 dollars, or both.

26 E.(4) When the amount of the check or checks is less than one thousand five
27 hundred dollars, the offender shall be imprisoned for not more than six months, or
28 may be fined not more than five hundred dollars, or both. If the offender in such
29 cases has been convicted of ~~issuing worthless checks~~ theft two or more times

1 previously, upon any subsequent conviction he shall be ~~imprisoned, with or without~~
2 ~~hard labor, for not more than two years~~ **sentenced as a Class E felony**, or may be
3 fined not more than ~~one~~ **two** thousand dollars, or both.

4 F.D. When the offender has issued more than one worthless check within a
5 one hundred eighty-day period, the amount of several or all worthless checks issued
6 during that one hundred eighty-day period may be aggregated to determine the grade
7 of the offense.

8 G.E. In addition to any other fine or penalty imposed under this Section, the
9 court shall order as part of the sentence restitution in the amount of the check or
10 checks, plus a fifteen dollar per check service charge payable to the person or entity
11 that initially honored the worthless check or checks, an authorized collection agency,
12 or justice of the peace. In the event the fifteen dollar per check service charge is paid
13 to a person or entity other than one who initially honored the worthless check or
14 checks, the court shall also order as part of the sentence restitution equal to the
15 amount that the bank or other depository charged the person or entity who initially
16 honored the worthless check, plus the actual cost of notifying the offender of
17 nonpayment as required in Paragraph A(2).

18 H.F. In any prosecution for a violation of this Section, the prosecution may
19 enter as evidence of a violation of this Section any check, draft, or order for the
20 payment of money upon any bank or other depository which the bank or other
21 depository has refused to honor because the person who issued the check, draft, or
22 order did not have sufficient credit with the bank or other depository for the payment
23 of that check, draft, or order in full upon its presentation.

24 I.G. In addition to the provisions of Subsection H, in any prosecution for a
25 violation of this Section, the prosecution may enter as evidence of a violation of this
26 Section any tangible copy, facsimile, or other reproduction of the check, draft, or
27 order, or any electronic reproduction of the check, draft, or order, or any other form
28 of the record of the check, draft, or order, provided that the tangible copy, facsimile,
29 or other reproduction, or the electronic reproduction, or the other form of the record

1 of the check, draft, or order has been made, recorded, stored, and reproduced in
 2 accordance with the requirements of the Louisiana Office of Financial Institutions,
 3 or in accordance with the requirements of the federal agency which regulates the
 4 bank or other depository, and provided that the appropriate officer of the bank or
 5 other depository has certified that the tangible copy, facsimile, or other reproduction,
 6 or the electronic copy, or the other form of the record of the check, draft, or order for
 7 the payment of money has been made, stored, and reproduced in accordance with the
 8 requirements of the Louisiana Office of Financial Institutions, or in accordance with
 9 the requirements of the federal agency which regulates the bank or other depository,
 10 and is a true and correct record of the transaction involving the check, draft, or order
 11 upon which the prosecution is based.

* * *

12 §94. Illegal use of weapons or dangerous instrumentalities

13 * * *

14 B. Except as provided in Subsection ~~E~~ **D of this Section**, whoever commits
 15 the crime of illegal use of weapons or dangerous instrumentalities shall:

16 **(1) Upon a first conviction** be fined not more than one thousand dollars, or
 17 ~~imprisoned with or without hard labor for not more than two years~~ **sentenced as a**
 18 **Class E felony**, or both.

19 ~~C.~~ ~~(2) Except as provided in Subsection E, on~~ **Upon** a second or subsequent
 20 conviction, ~~the offender shall be imprisoned at hard labor for not less than five years~~
 21 ~~nor more than seven years, without benefit of probation or suspension of sentence~~
 22 **sentenced as a Class D felony.**

23 ~~D.~~ ~~(3)~~ The enhanced penalty upon second and subsequent convictions
 24 provided for in ~~Subsection C of this Section~~ **Paragraph (2) of this Subsection** shall
 25 not be applicable in cases where more than five years have elapsed since the
 26 expiration of the maximum sentence, or sentences, of the previous conviction or
 27 convictions, and the time of the commission of the last offense for which he has been
 28 convicted. The sentence to be imposed in such event shall be the same as may be
 29

1 imposed upon a first conviction.

2 ~~E.C.~~ Whoever commits the crime of illegal use of weapons or dangerous
3 instrumentalities by discharging a firearm from a motor vehicle located upon a
4 public street or highway, where the intent is to injure, harm, or frighten another
5 human being, shall be ~~imprisoned at hard labor for not less than five nor more than~~
6 ~~ten years without benefit of probation or suspension of sentence~~ **sentenced as a**
7 **Class D felony.**

8 ~~F.D.(1)~~ Whoever commits the crime of illegal use of weapons or dangerous
9 instrumentalities by discharging a firearm while committing, attempting to commit,
10 conspiring to commit, or soliciting, coercing, or intimidating another person to
11 commit a crime of violence, **as defined in R.S. 14:2(B),** or violation of the Uniform
12 Controlled Dangerous Substances Law; **that includes the manufacture,**
13 **distribution, or possession with intent to distribute pursuant to R.S. 40:966(A)**
14 **and R.S. 40:967(A),** shall be ~~imprisoned at hard labor for not less than ten years nor~~
15 ~~more than twenty years, without benefit of parole, probation, or suspension of~~
16 ~~sentence. If the firearm used in violation of this Subsection is a machine gun or is~~
17 ~~equipped with a firearm silencer or muffler, as defined by R.S. 40:1751 and R.S.~~
18 ~~40:1781, respectively, the offender shall be sentenced to imprisonment for not less~~
19 ~~than twenty years nor more than thirty years, without benefit of parole, probation, or~~
20 ~~suspension of sentence~~ **sentenced as a Class A felony.**

21 **(2) Whoever commits the crime of illegal use of weapons or dangerous**
22 **instrumentalities by discharging a firearm while committing, attempting to**
23 **commit, conspiring to commit, or soliciting, coercing, or intimidating another**
24 **person to commit a crime in violation of the Uniform Controlled Dangerous**
25 **Substances Law, excluding any offenses enumerated in Paragraph (1) of this**
26 **Subsection, shall be sentenced as a Class B felony.**

27 **(3)** Upon a second or subsequent conviction, under this Subsection, such
28 offender shall be sentenced to ~~imprisonment for not less than twenty years~~ **as a Class**
29 **A felony.** If the violation of this Subsection, upon second or subsequent conviction,

1 involves the use of a machine gun or a firearm equipped with a firearm silencer or
2 muffler, such offender shall be sentenced to imprisonment for life without benefit of
3 parole, probation, or suspension of sentence.

4 §95. Illegal carrying of weapons

5 * * *

6 B.(1) Whoever commits the crime of illegal carrying of weapons shall be
7 fined not more than five hundred dollars, or imprisoned for not more than six
8 months, or both.

9 (2) Whoever commits the crime of illegal carrying of weapons with any
10 firearm used in the commission of a crime of violence as defined in R.S. 14:2(B),
11 shall be fined not more than two thousand dollars, or ~~imprisoned, with or without~~
12 ~~hard labor, for not less than one year nor more than two years~~ **sentenced as a Class**
13 **E felony**, or both. Any sentence issued pursuant to the provisions of this Paragraph
14 and any sentence issued pursuant to a violation of a crime of violence as defined in
15 R.S. 14:2(B) shall be served consecutively.

16 ~~C. On a second conviction, the offender shall be imprisoned with or without~~
17 ~~hard labor for not more than five years.~~

18 ~~D.(3) On third and subsequent convictions, the offender shall be imprisoned~~
19 ~~with or without hard labor for not more than ten years without benefit of parole,~~
20 ~~probation, or suspension of sentence~~ **sentenced as a Class D felony.**

21 ~~E.C.(1) If the offender uses, possesses, or has under his immediate control~~
22 ~~any firearm, or other instrumentality customarily used or intended for probable use~~
23 ~~as a dangerous weapon, while committing or attempting to commit a crime of~~
24 ~~violence, as defined in R.S. 14:2(B), or while unlawfully in the possession of a~~
25 ~~controlled dangerous substance except the possession of fourteen grams or less of~~
26 ~~marijuana, or during the unlawful sale or distribution of a controlled dangerous~~
27 ~~substance, the offender shall be fined not more than ten thousand dollars and~~
28 ~~imprisoned at hard labor for not less than five nor more than ten years without the~~
29 ~~benefit of probation, parole, or suspension of sentence~~ **or a violation of the Uniform**

1 Controlled Dangerous Substances Law that includes the manufacture,
2 distribution, or possession with intent to distribute pursuant to R.S. 40:966(A)
3 and R.S. 40:967(A), the offender shall be sentenced as a Class C felony.

4 (2) If the offender uses, possesses, or has under his immediate control
5 any firearm, or other instrumentality customarily used or intended for probable
6 use as a dangerous weapon, while committing or attempting to commit a
7 violation of the Uniform Controlled Dangerous Substances Law, excluding
8 offenses enumerated in Paragraph (1) of this Subsection, the offender shall be
9 sentenced as a Class D felony.

10 (3) Upon a second or subsequent conviction of Paragraph (1) of this
11 Subsection, the offender shall be imprisoned at hard labor for not less than twenty
12 years nor more than thirty years without the benefit of probation, parole, or
13 suspension of sentence sentenced as a Class B felony.

14 (4) Upon a second or subsequent conviction of Paragraph (2) of this
15 Subsection, the offender shall be sentenced as a Class C felony.

16 ~~F.D.~~(1) For purposes of determining whether a defendant has a prior
17 conviction for a violation of this Section, a conviction pursuant to this Section or a
18 conviction pursuant to an ordinance of a local governmental subdivision of this state
19 which contains the elements provided for in Subsection A of this Section shall
20 constitute a prior conviction.

21 (2) The enhanced penalty upon second, third, and subsequent convictions
22 shall not be applicable in cases where more than five years have elapsed since the
23 expiration of the maximum sentence, or sentences, of the previous conviction or
24 convictions, and the time of the commission of the last offense for which he has been
25 convicted; the sentence to be imposed in such event shall be the same as may be
26 imposed upon a first conviction.

27 (3) Any ordinance that prohibits the unlawful carrying of firearms enacted
28 by a municipality, town, or similar political subdivision or governing authority of
29 this state shall be subject to the provisions of R.S. 40:1796.

1 ~~G.E.~~(1) The provisions of this Section except Paragraph (4) of Subsection A
2 shall not apply to sheriffs and their deputies, state and city police, constables and
3 town marshals, or persons vested with police power when in the actual discharge of
4 official duties. These provisions shall not apply to sheriffs and their deputies and
5 state and city police who are not actually discharging their official duties, provided
6 that such persons are full time, active, and certified by the Council on Peace Officer
7 Standards and Training and have on their persons valid identification as duly
8 commissioned law enforcement officers.

9 (2) The provisions of this Section except Paragraph (4) of Subsection A shall
10 not apply to any law enforcement officer who is retired from full-time active law
11 enforcement service with at least twelve years service upon retirement, nor shall it
12 apply to any enforcement officer of the office of state parks, in the Department of
13 Culture, Recreation and Tourism who is retired from active duty as an enforcement
14 officer, provided that such retired officers have on their persons valid identification
15 as retired law enforcement officers, which identification shall be provided by the
16 entity which employed the officer prior to his or her public retirement. The retired
17 law enforcement officer must be qualified annually in the use of firearms by the
18 Council on Peace Officer Standards and Training and have proof of such
19 qualification. This exception shall not apply to such officers who are medically
20 retired based upon any mental impairment.

21 (3)(a) The provisions of this Section except Paragraph (4) of Subsection A
22 shall not apply to active or retired reserve or auxiliary law enforcement officers
23 qualified annually by the Council on Peace Officer Standards and Training and who
24 have on their person valid identification as active or retired reserve law or auxiliary
25 municipal police officers. The active or retired reserve or auxiliary municipal police
26 officer shall be qualified annually in the use of firearms by the Council on Peace
27 Officer Standards and Training and have proof of such certification.

28 (b) For the purposes of this Paragraph, a reserve or auxiliary municipal police
29 officer shall be defined as a volunteer, non-regular, sworn member of a law

1 enforcement agency who serves with or without compensation and has regular police
2 powers while functioning as such agency's representative, and who participates on
3 a regular basis in agency activities including, but not limited to those pertaining to
4 crime prevention or control, and the preservation of the peace and enforcement of the
5 law.

6 ~~H.F.~~(1) Except as provided in Paragraph (A)(5) of this Section and in
7 Paragraph (2) of this Subsection, the provisions of this Section shall not prohibit
8 active justices or judges of the supreme court, courts of appeal, district courts, parish
9 courts, juvenile courts, family courts, city courts, federal courts domiciled in the state
10 of Louisiana, and traffic courts, members of either house of the legislature, officers
11 of either house of the legislature, the legislative auditor, designated investigative
12 auditors, constables, coroners, designated coroner investigators, district attorneys and
13 designated assistant district attorneys, United States attorneys and assistant United
14 States attorneys and investigators, the attorney general, designated assistant attorneys
15 general, and justices of the peace from possessing and concealing a handgun on their
16 person when such persons are qualified annually in the use of firearms by the
17 Council on Peace Officer Standards and Training.

18 (2) Nothing in this Subsection shall permit the carrying of a weapon in the
19 state capitol building.

20 ~~H.G.~~ The provisions of this Section shall not prohibit the carrying of a
21 concealed handgun by a person who is a college or university police officer under
22 the provisions of R.S. 17:1805 and who is carrying a concealed handgun in
23 accordance with the provisions of that statute.

24 ~~H.H.~~ The provisions of this Section shall not prohibit the ownership of rescue
25 knives by commissioned full-time law enforcement officers. The provisions of this
26 Section shall not prohibit the carrying of rescue knives by commissioned full-time
27 law enforcement officers who are in the actual discharge of their official duties. The
28 provisions of this Section shall not prohibit the sale of rescue knives to
29 commissioned full-time law enforcement officers. The provisions of this Section

1 shall not prohibit the ownership or possession of rescue knives by merchants who
2 own or possess the knives solely as inventory to be offered for sale to commissioned
3 full-time law enforcement officers. As used in this Subsection, a "rescue knife" is a
4 folding knife, which can be readily and easily opened with one hand and which has
5 at least one blade which is designed to be used to free individuals who are trapped
6 by automobile seat belts, or at least one blade which is designed for a similar
7 purpose. No blade of a rescue knife shall exceed five inches in length.

8 ~~K.L.~~(1) The provisions of this Section shall not prohibit a retired justice or
9 judge of the supreme court, courts of appeal, district courts, parish courts, juvenile
10 courts, family courts, city courts, retired attorney general, retired assistant attorneys
11 general, retired district attorneys, and retired assistant district attorneys, from
12 possessing and concealing a handgun on their person provided that such retired
13 person is qualified annually in the use of firearms by the Council on Peace Officer
14 Standards and Training and has on their person valid identification showing proof
15 of their status as a retired justice, judge, attorney general, assistant attorney general,
16 district attorney, or assistant district attorney.

17 (2) The retired justice, judge, attorney general, assistant attorney general,
18 district attorney, or assistant district attorney shall be qualified annually in the use
19 of firearms by the Council on Peace Officer Standards and Training and have proof
20 of qualification. However, this Subsection shall not apply to a retired justice, judge,
21 attorney general, assistant attorney general, district attorney, or assistant district
22 attorney who is medically retired based upon any mental impairment, or who has
23 entered a plea of guilty or nolo contendere to or been found guilty of a felony
24 offense. For the purposes of this Subsection, "retired district attorney" or "retired
25 assistant district attorney" shall mean a district attorney or an assistant district
26 attorney receiving retirement benefits from the District Attorneys' Retirement
27 System.

28 §95.1. Possession of firearm or carrying concealed weapon by a person convicted of
29 certain felonies

* * *

1
2 B. Whoever is found guilty of violating the provisions of this Section shall
3 be imprisoned at hard labor for not less than ten nor more than twenty years without
4 the benefit of probation, parole, or suspension of sentence and be fined not less than
5 one thousand dollars nor more than five thousand dollars. Notwithstanding the
6 provisions of R.S. 14:27, whoever is found guilty of attempting to violate the
7 provisions of this Section shall be imprisoned at hard labor for not more than seven
8 and one-half years and fined not less than five hundred dollars nor more than two
9 thousand five hundred dollars.

10 **(1) A violation of the provisions of this Section for any person who has**
11 **been convicted of a crime of violence, as defined in R.S. 14:2(B), or a violation**
12 **of the Uniform Controlled Dangerous Substances Law that includes the**
13 **manufacture or distribution as defined in R.S. 40:966(A), R.S. 40:967(A), R.S.**
14 **40:968(A), R.S. 40:969(A), or R.S. 40:970(A), shall be sentenced to**
15 **imprisonment at hard labor for not less than ten years nor more than twenty**
16 **years, without the benefit of probation, parole, or suspension of sentence, and**
17 **shall be fined not less than one thousand dollars nor more than five thousand**
18 **dollars.**

19 **(2) A violation of the provisions of this Section for any person who has**
20 **been convicted of any crime defined as a sex offense, pursuant to R.S. 15:541,**
21 **shall be a Class D felony.**

22 **(3) A violation of the provisions of this Section for any person who has**
23 **been convicted of any crime enumerated in Subsection A of this Section,**
24 **excluding those crimes enumerated in Paragraphs (1) and (2) of this Subsection,**
25 **shall be a Class E felony.**

26 **(4) An attempt to violate the provisions of this Section shall be a Class E**
27 **felony and, in addition, shall be fined not less than five hundred dollars nor**
28 **more than two thousand five hundred dollars.**

* * *

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

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

7 * * *

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

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

17 **(a) An aggregate weight of less than twenty-eight grams, shall be**
18 **sentenced as a Class D felony and may, in addition, be required to pay a fine of**
19 **not more than fifty thousand dollars.**

20 **(b) An aggregate weight of twenty-eight grams or more, shall be**
21 **sentenced as a Class C felony and may, in addition, be required to pay a fine of**
22 **not more than fifty thousand dollars.**

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

29 (3) A substance classified in Schedule I which is marijuana,

1 tetrahydrocannabinols, or chemical derivatives of tetrahydrocannabinols, or synthetic
2 cannabinoids ~~shall upon conviction be sentenced to a term of imprisonment at hard~~
3 ~~labor for not less than five nor more than thirty years, and pay a fine of not more than~~
4 ~~fifty thousand dollars.~~ **for an amount of:**

5 **(a) An aggregate weight of less than two and one half pounds, shall be**
6 **sentenced as a Class D felony and pay a fine of not more than fifty thousand**
7 **dollars.**

8 **(b) An aggregate weight of two and one half pounds or more, shall be**
9 **sentenced as a Class C felony and pay a fine of not more than fifty thousand**
10 **dollars.**

11 ~~(4)(a)(3)~~ **(3)** A substance classified in Schedule I that is the narcotic drug heroin
12 or a mixture or substance containing a detectable amount of heroin or of its
13 analogues upon conviction ~~of a first offense shall be sentenced to a term of~~
14 ~~imprisonment at hard labor for not less than ten nor more than fifty years, at least ten~~
15 ~~years of which shall be served without benefit of probation or suspension of~~
16 ~~sentence, and may, in addition, be required to pay a fine of not more than fifty~~
17 ~~thousand dollars.~~ **for an amount of:**

18 **(a) An aggregate weight of less than twenty-eight grams, shall be**
19 **sentenced as a Class C felony and may, in addition, be required to pay a fine of**
20 **not more than fifty thousand dollars.**

21 **(b) An aggregate weight of twenty-eight grams or more, shall be**
22 **sentenced as a Class B felony and may, in addition, be required to pay a fine of**
23 **not more than fifty thousand dollars.**

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

1 ~~thousand dollars.~~

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

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

14 **(a) An aggregate weight of less than two grams, shall be sentenced as a**
15 **Class E felony with a term of imprisonment of not more than two years and**
16 **may, in addition, be required to pay a fine of not more than five thousand**
17 **dollars.**

18 **(b) An aggregate weight of two grams or more but less than twenty-eight**
19 **grams, shall be sentenced as a Class D felony and may, in addition, be required**
20 **to pay a fine of not more than five thousand dollars.**

21 (2) Phencyclidine, ~~shall be sentenced to imprisonment with or without hard~~
22 ~~labor for not less than five nor more than twenty years and may be sentenced~~ **for an**
23 **amount of an aggregate weight of less than twenty-eight grams, shall be**
24 **sentenced as a Class C felony, or required** to pay a fine of not more than five
25 thousand dollars, or both.

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

29 D. Other penalties for possession. (1) ~~Except as otherwise authorized in this~~

1 Part:

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

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

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

19 E.(1) Possession of marijuana:

20 (a) Except as provided in Subsection F of this Section, on a conviction for
21 violation of Subsection C of this Section with regard to marijuana,
22 tetrahydrocannabinol, or chemical derivatives thereof, the offender shall be punished
23 as follows:

24 **(3) A substance classified in Schedule I which is marijuana,**
25 **tetrahydrocannabinol, or chemical derivatives thereof, the offender shall be**
26 **punished as follows:**

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

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

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

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

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

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

25 **(e)(i) On a third conviction the offender shall be sentenced to**
26 **imprisonment with or without hard labor for not more than two years, shall be**
27 **fined not more than two thousand five hundred dollars, or both, and the**
28 **violation shall be a Class E felony.**

29 (ii) If the court places the offender on probation, the probation shall provide

1 for a minimum condition that he participate in a court-approved substance abuse
2 program and perform four eight-hour days of court-approved community service
3 activities. Any costs associated with probation shall be paid by the offender.

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

9 **(f)(i) On a fourth or subsequent conviction the offender shall be**
10 **sentenced to imprisonment with or without hard labor for not more than eight**
11 **years, shall be fined not more than five thousand dollars, or both, and the**
12 **violation shall be a Class E felony.**

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

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

23 ~~(f)(h)~~ Except as provided in Item (a)(iii) of this Paragraph, a conviction for
24 the violation of any other statute or ordinance with the same elements as Paragraph
25 (B)(3) of this Section prohibiting the distributing or dispensing or possession with
26 intent to distribute or dispense marijuana, tetrahydrocannabinol or chemical
27 derivatives thereof, or synthetic cannabinoids shall be considered as a prior
28 conviction for the purposes of this Subsection relating to penalties for second, third,
29 or subsequent offenders.

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

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

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

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

20 **(4) A substance classified in Schedule I which is a synthetic cannabinoid**
21 **shall be punished as follows:**

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

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

28 **(c) On a third or subsequent conviction, the offender shall be sentenced**
29 **to imprisonment with or without hard labor for not more than twenty years,**

1 and may, in addition, be fined not more than five thousand dollars, and the
2 violation shall be a Class E felony.

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

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

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

16 ~~F. Except as otherwise authorized in this Part:~~

17 ~~(1) Any person who knowingly or intentionally possesses two and one-half~~
18 ~~pounds or more, but less than sixty pounds of marijuana, tetrahydrocannabinol or~~
19 ~~chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve~~
20 ~~a term of imprisonment with or without hard labor of not less than two years, nor~~
21 ~~more than ten years, and to pay a fine of not less than ten thousand dollars nor more~~
22 ~~than thirty thousand dollars.~~

23 ~~(2) Any person who knowingly or intentionally possesses sixty pounds or~~
24 ~~more, but less than two thousand pounds of marijuana, tetrahydrocannabinol or~~
25 ~~chemical derivatives thereof, or synthetic cannabinoids shall be sentenced to serve~~
26 ~~a term of imprisonment at hard labor of not less than five years, nor more than thirty~~
27 ~~years, and to pay a fine of not less than fifty thousand dollars nor more than one~~
28 ~~hundred thousand dollars.~~

29 ~~(3) Any person who knowingly or intentionally possesses two thousand~~

1 ~~pounds or more, but less than ten thousand pounds of marijuana,~~
2 ~~tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall~~
3 ~~be sentenced to serve a term of imprisonment at hard labor of not less than ten years~~
4 ~~nor more than forty years, and to pay a fine of not less than one hundred thousand~~
5 ~~dollars nor more than four hundred thousand dollars.~~

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

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

16 **D. Notwithstanding any provision of law to the contrary, the court shall,**
17 **upon a first conviction of Subsection C of this Section, place the defendant on**
18 **probation under the division of probation and parole pursuant to Code of**
19 **Criminal Procedure Article 893, unless the court finds substantial and**
20 **compelling reasons why the offender cannot be safely and effectively supervised**
21 **in the community or poses a significant risk to public safety.**

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

28 ~~H.F.~~ Notwithstanding any other provision of law to the contrary, unless
29 eligible for parole at an earlier date, a person committed to the Department of Public

1 Safety and Corrections serving a life sentence for the production, manufacturing,
2 distribution, or dispensing or possessing with intent to produce, manufacture, or
3 distribute heroin shall be eligible for parole consideration upon serving at least
4 fifteen years of imprisonment in actual custody.

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

18 §967. Prohibited acts-Schedule II, penalties

19 * * *

20 ~~B. Penalties for violation~~ **Violations** of Subsection A. ~~Except as provided in~~
21 ~~Subsection F, any~~ **Any** person who violates Subsection A **of this Section** with
22 respect to:

23 (1) ~~A~~ **Except as otherwise provided in Paragraphs (2) and (3) of this**
24 **Subsection, a** substance classified in Schedule II ~~which is an amphetamine or~~
25 ~~methamphetamine or which is a narcotic drug, except cocaine or cocaine base or a~~
26 ~~mixture or substance containing cocaine or its analogues as provided in Schedule~~
27 ~~H(A)(4) of R.S. 40:964 and except oxycodone as provided in Schedule H(A)(1)(o)~~
28 ~~of R.S. 40:964 and except methadone as provided in Schedule H(B)(11) of R.S.~~
29 ~~40:964 shall be sentenced to a term of imprisonment at hard labor for not less than~~

1 ~~two years nor more than thirty years; and may, in addition, be sentenced to pay a fine~~
2 ~~of not more than fifty thousand dollars. for an amount of a controlled substance~~
3 ~~of:~~

4 ~~(a) An aggregate weight of less than twenty-eight grams, shall be~~
5 ~~sentenced as a Class D felony and may, in addition, be fined not more than fifty~~
6 ~~thousand dollars.~~

7 ~~(b) An aggregate weight of twenty-eight grams or more, shall be~~
8 ~~sentenced as a Class C felony and may, in addition, be fined not more than fifty~~
9 ~~thousand dollars.~~

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

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

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

26 ~~(4)(3)~~(a) Production or manufacturing of cocaine or cocaine base or a mixture
27 or substance containing cocaine or its analogues as provided in Schedule II(A)(4) of
28 R.S. 40:964 or oxycodone as provided in Schedule II(A)(1)(o) of R.S. 40:964 or
29 methadone as provided in Schedule II(B)(11) of R.S. 40:964 shall be a Class F

1 **felony and** shall be sentenced to imprisonment at hard labor for not less than ten nor
2 more than thirty years, at least ten years of which shall be served without benefit of
3 parole, probation, or suspension of sentence, and may be fined not more than five
4 hundred thousand dollars.

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

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

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

25 ~~(1) Any person who violates this Subsection with respect to pentazocine shall~~
26 ~~be imprisoned with or without hard labor for not less than two years and for not more~~
27 ~~than five years **Except as provided in Paragraph (2) of this Subsection, a**~~
28 **substance classified in Schedule II shall be sentenced as a Class E felony** and, in
29 addition, may be sentenced to pay a fine of not more than five thousand dollars.

1 ~~(2) Any person who violates this Subsection as to any other controlled~~
2 ~~dangerous substance shall be imprisoned with or without hard labor for not more~~
3 ~~than five years and, in addition, may be sentenced to pay a fine of not more than five~~
4 ~~thousand dollars.~~ **A substance classified in Schedule II which is cocaine or a**
5 **mixture or substance containing a detectable amount of cocaine or of its**
6 **analogues as provided in Schedule II(A)(4) of R.S. 40:964, amphetamine or**
7 **methamphetamine or of a mixture or substance containing a detectable amount**
8 **of amphetamine or methamphetamine or any of their analogues as provided in**
9 **Schedule II(C) of R.S. 40:964, or gamma hydroxybutyric acid or of a mixture**
10 **or substance containing a detectable amount of gamma hydroxybutyric acid or**
11 **of its analogues, for an amount of the controlled substance of:**

12 **(a) An aggregate weight of less than two grams, shall be sentenced as a**
13 **Class E felony, term of imprisonment of not more than two years and, in**
14 **addition, may be sentenced to pay a fine of not more than five thousand dollars.**

15 **(b) An aggregate weight of two grams or more but less than twenty-eight**
16 **grams, shall be sentenced as a Class D felony and, in addition, may be sentenced**
17 **to pay a fine of not more than five thousand dollars.**

18 **D. Notwithstanding any provision of law to the contrary, the court shall,**
19 **upon a first conviction of Subsection C of this Section, place the defendant on**
20 **probation under the division of probation and parole pursuant to Code of**
21 **Criminal Procedure Article 893, unless the court finds substantial and**
22 **compelling reasons why the offender cannot be safely and effectively supervised**
23 **in the community or poses a significant risk to public safety.**

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

1 ~~D, E. Repealed by Acts 1981, No. 800, §4, eff. Aug. 2, 1981.~~

2 ~~F. Other penalties for possession:~~

3 ~~(1) Except as otherwise authorized in this Part:~~

4 ~~(a) Any person who knowingly or intentionally possesses twenty-eight grams~~
5 ~~or more, but less than two hundred grams, of cocaine or of a mixture or substance~~
6 ~~containing a detectable amount of cocaine or of its analogues as provided in~~
7 ~~Schedule H(A)(4) of R.S. 40:964, shall be sentenced to serve a term of imprisonment~~
8 ~~at hard labor of not less than five years, nor more than thirty years, and to pay a fine~~
9 ~~of not less than fifty thousand dollars, nor more than one hundred fifty thousand~~
10 ~~dollars.~~

11 ~~(b) Any person who knowingly or intentionally possesses two hundred grams~~
12 ~~or more, but less than four hundred grams, of cocaine or of a mixture or substance~~
13 ~~containing a detectable amount of cocaine or of its analogues as provided in~~
14 ~~Schedule H(A)(4) of R.S. 40:964, shall be sentenced to serve a term of imprisonment~~
15 ~~at hard labor of not less than ten years, nor more than thirty years, and to pay a fine~~
16 ~~of not less than one hundred thousand dollars, nor more than three hundred fifty~~
17 ~~thousand dollars.~~

18 ~~(c) Any person who knowingly or intentionally possesses four hundred grams~~
19 ~~or more of cocaine or of a mixture or substance containing a detectable amount of~~
20 ~~cocaine or of its analogues as provided in Schedule H(A)(4) of R.S. 40:964, shall be~~
21 ~~sentenced to serve a term of imprisonment at hard labor of not less than fifteen years,~~
22 ~~nor more than thirty years and to pay a fine of not less than two hundred fifty~~
23 ~~thousand dollars, nor more than six hundred thousand dollars.~~

24 ~~(2) Except as otherwise authorized in this Part:~~

25 ~~(a) Any person who knowingly or intentionally possesses twenty-eight grams~~
26 ~~or more, but less than two hundred grams, of amphetamine or methamphetamine or~~
27 ~~of a mixture or substance containing a detectable amount of amphetamine or~~
28 ~~methamphetamine or any of their analogues as provided in Schedule H(C) of R.S.~~
29 ~~40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less~~

1 ~~than five years, nor more than thirty years, and to pay a fine of not less than fifty~~
2 ~~thousand dollars, nor more than one hundred fifty thousand dollars.~~

3 (b) ~~Any person who knowingly or intentionally possesses two hundred grams~~
4 ~~or more, but less than four hundred grams, of amphetamine or methamphetamine or~~
5 ~~of a mixture or substance containing a detectable amount of amphetamine or~~
6 ~~methamphetamine or any of their analogues as provided in Schedule H(C) of R.S.~~
7 ~~40:964, shall be sentenced to serve a term of imprisonment at hard labor of not less~~
8 ~~than ten years, nor more than thirty years, and to pay a fine of not less than one~~
9 ~~hundred thousand dollars, nor more than three hundred fifty thousand dollars.~~

10 (c) ~~Any person who knowingly or intentionally possesses four hundred grams~~
11 ~~or more of amphetamine or methamphetamine or of a mixture or substance~~
12 ~~containing a detectable amount of amphetamine or methamphetamine or any of its~~
13 ~~analogues as provided in Schedule H(C) of R.S. 40:964, shall be sentenced to serve~~
14 ~~a term of imprisonment at hard labor of not less than fifteen years, nor more than~~
15 ~~thirty years, and to pay a fine of not less than two hundred fifty thousand dollars, nor~~
16 ~~more than six hundred thousand dollars.~~

17 (3) ~~Except as otherwise authorized in this Part:~~

18 (a) ~~Any person who knowingly or intentionally possesses twenty-eight grams~~
19 ~~or more, but less than two hundred grams, of gamma hydroxybutyric acid or of a~~
20 ~~mixture or substance containing a detectable amount of gamma hydroxybutyric acid~~
21 ~~or of its analogues shall be sentenced to serve a term of imprisonment at hard labor~~
22 ~~of not less than five years, nor more than thirty years, and to pay a fine of not less~~
23 ~~than fifty thousand dollars, nor more than one hundred fifty thousand dollars.~~

24 (b) ~~Any person who knowingly or intentionally possesses two hundred grams~~
25 ~~or more, but less than four hundred grams, of gamma hydroxybutyric acid or of a~~
26 ~~mixture or substance containing a detectable amount of gamma hydroxybutyric acid~~
27 ~~or of its analogues shall be sentenced to serve a term of imprisonment at hard labor~~
28 ~~of not less than ten years, nor more than thirty years, and to pay a fine of not less~~
29 ~~than one hundred thousand dollars, nor more than three hundred fifty thousand~~

1 violates Subsection A **of this Section** with respect to:

2 (1) Flunitrazepam shall be sentenced ~~to a term of imprisonment at hard labor~~
3 ~~for not less than five years nor more than thirty years~~ **as a Class C felony** and pay
4 a fine of not more than fifty thousand dollars.

5 (2) Any other controlled dangerous substance classified in Schedule IV,
6 except flunitrazepam, shall be sentenced ~~to a term of imprisonment at hard labor for~~
7 ~~not more than ten years;~~ **as a Class D felony** and, in addition, may be sentenced to
8 pay a fine of not more than fifteen thousand dollars.

9 C. Possession. It is unlawful for any person knowingly or intentionally to
10 possess a controlled dangerous substance classified in Schedule IV 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 Subsection with respect to:

15 (1) Flunitrazepam shall be ~~imprisoned at hard labor for not more than ten~~
16 ~~years;~~ **sentenced as a Class D felony** and may, in addition, be required to pay a fine
17 of not more than five thousand dollars.

18 (2) Any other controlled dangerous substance shall be ~~imprisoned with or~~
19 ~~without hard labor for not more than five years~~ **sentenced as a Class E felony** and,
20 in addition, may be required to pay a fine of not more than five thousand dollars.

21 D. Whoever, with the intent to commit a crime of violence as defined in R.S.
22 14:2(B)(10) against an individual, violates Subsection A of this Section by
23 administering a controlled dangerous substance to a person who is unaware that the
24 controlled dangerous substance has been or is being administered to him, shall be
25 sentenced to a term of imprisonment at hard labor for not less than five years nor
26 more than forty years and may be fined not more than one hundred thousand dollars
27 **and the violation shall be a Class F felony.**

28 §970. Prohibited acts-Schedule V; penalties

29 * * *

1 B. ~~Penalties for violation~~ **Violations** of Subsection A. Any person who
2 violates Subsection A **of this Section** with respect to any controlled dangerous
3 substance classified in Schedule V shall be sentenced ~~to a term of imprisonment at~~
4 ~~hard labor for not more than five years;~~ **as a Class D felony** and, in addition, may
5 be sentenced to pay a fine of not more than five thousand dollars.

6 C. Possession. It is unlawful for any person unknowingly or intentionally
7 to possess a controlled dangerous substance classified in Schedule V unless such
8 substance was obtained directly or pursuant to a valid prescription or order from a
9 practitioner, or as provided in R.S. 40:978, while acting in the course of his
10 professional practice or except as otherwise authorized by this Part. Any person who
11 violates this ~~section~~ **Subsection** shall be ~~imprisoned with or without hard labor for~~
12 ~~not more than five years;~~ **sentenced as a Class E felony** and, in addition, may be
13 required to pay a fine of not more than five thousand dollars.

14 Section 3. R.S. 14:62.8, 67.1, 67.2, 67.6, 67.7, 67.8, 67.9, 67.10, 67.16(H), 67.18,
15 67.20, 67.21, 67.24, 67.25(E), 67.28, 67.30, and 68.5, 94(E) and (F), 71(H) and (I), 94(E)
16 and (F), 95(J) and (K) and R.S. 40:966(H) and (I) and 967(F) and (G) are hereby repealed
17 in their entirety.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 220 Original

2017 Regular Session

Alario

Present law defines a "felony" as any crime for which an offender may be sentenced to death or imprisonment at hard labor.

Proposed law retains present law.

Present law defines various criminal offenses and for each individual present law offense provides specific penalties, which include terms of imprisonment, fines, or both.

Proposed law creates a felony class system, comprised of classes "A" through "F," whereby each listed present law felony falls within a designated class based on the severity of the offense and the possible term of imprisonment. Proposed law further provides the following penalties for each class of felony:

- (1) For a Class A felony, imprisonment at hard labor for between 10 years and 40 years, 10 years of which must be served without benefit of probation, parole, or suspension of sentence, and in addition, any fine that must or may be imposed pursuant to present law defining the penalties for the particular offense.

- (2) For a Class B felony, imprisonment at hard labor for between two and 40 years, and in addition, any fine that must or may be imposed pursuant to present law defining the penalties for the particular offense. If a Class B felony is a crime of violence or a sex offense, then two years of the sentence of imprisonment imposed must be served without the benefit of probation, parole, or suspension of sentence.
- (3) For a Class C felony, imprisonment at hard labor for between one and 20 years, and in addition, any fine that must or may be imposed pursuant to present law defining the penalties for the particular offense. If the Class C felony is a crime of violence or a sex offense, then one year of the sentence of imprisonment must be served without the benefit of probation, parole, or suspension of sentence.
- (4) For a Class D felony, imprisonment, with or without hard labor, for between one and 10 years, or any fine set forth in present law defining the penalties for the particular offense, or both.
- (5) For a Class E felony, unless otherwise specified, imprisonment, with or without hard labor, for between one and five years, or any fine set forth in present law defining the penalties for the particular offense, or both. Unless the defendant has his sentence suspended pursuant to present law, the court is to order that the defendant be imprisoned for a period of not more than two years, and that the remainder of the sentence, if applicable, be suspended notwithstanding any other provision of present law to the contrary.
- (6) For a Class F felony, imprisonment as authorized by present law defining the penalties for the particular offense, or any fine set forth in present law defining the penalties for the particular offense, or both.

Proposed law provides that the terms of imprisonment, and any conditions thereon, imposed pursuant to proposed law are mandatory and supercede any term of imprisonment or conditions thereon that may be set forth in present law defining the penalties for any offense enumerated in the felony class list of proposed law.

Effective August 1, 2017.

(Amends R.S. 14:60(A) and (B), 67(B), 67.16(C), (D), (E), (F), and (G), 67.25(D), 67.26(C) and (E), 68(B), 68.4(B), 68.7(B), 69(B) and (C), 70.2(C), 70.4(E), 71(C), (D), (E), (F), and (G), 94(B), (C), and (D), 95(B), (C), (D), (E), (F), (G), (H), and (I), and 95.1(B) and R.S. 40:966(B), (C), (D), (E), (F), and (G), 967(B), (C), (D), and (E), 968(B) and (C), 969(B), (C), and (D), 970(B) and (C); adds R.S. 14:6.1, 6.2, 6.3, 69(D); repeals R.S. 14:62.8, 67.1, 67.2, 67.6, 67.7, 67.8, 67.9, 67.10, 67.16(H), 67.18, 67.20, 67.21, 67.24, 67.25(E), 67.28, 67.30, and 68.5, 71(H) and (I), 94(E) and (F), 95(J) and (K) and R.S. 40:966(H) and (I), and 967(F) and (G))