

SENATE COMMITTEE AMENDMENTS

2017 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 220
by Senator Alario

1 AMENDMENT NO. 1

2 On page 1, at the beginning of line 2 after "To amend and reenact" delete the remainder of
3 the line and delete lines 3 through 11 and insert the following:

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

15 AMENDMENT NO. 2

16 On page 1, at the beginning of line 12, delete "system;"

17 AMENDMENT NO. 3

18 On page 1, delete line 13 and insert "to create and provide for the membership, duties, and
19 reporting requirements of the Louisiana Felony Class System Task Force; and to provide
20 for"

21 AMENDMENT NO. 4

22 On page 1, at the beginning of line 16 after "Section 1." delete the remainder of the line and
23 delete line 17 and insert the following:

24 "R.S. 14:52(B), 54.1(B), 56(B)(1) and (2), 62.2(B), 62.8(B), 67(B), 67.15(C),
25 67.25(D), 67.26(C), 68(B), 68.4(B), 68.7(B), 69(B) and (C), 70.2(C), 70.4(E), 71(C), (D),
26 (E), (F), and (G), 82(C)(3), 95.1(B), 202.1(C), and 230(E)(4) are"

27 AMENDMENT NO. 5

28 On page 2, delete lines 1 through 3

29 AMENDMENT NO. 6

30 On page 2, delete lines 5 through 29, delete pages 3 through 70 in their entirety, and on page
31 71, delete lines 1 through 13, and insert the following:

32 "§52. Simple arson
33 * * *
34 B. Whoever commits the crime of simple arson, where the damage done
35 amounts to five hundred dollars or more, shall be fined not more than fifteen
36 thousand dollars and imprisoned at hard labor for not less than two years nor more
37 than fifteen years.
38 * * *
39 §54.1. Communicating of false information of planned arson
40 * * *

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

4 * * *

5 §56. Simple criminal damage to property

6 * * *

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

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

14 * * *

15 §62.2. Simple burglary of an inhabited dwelling

16 * * *

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

20 * * *

21 §62.8. Home invasion

22 * * *

23 ~~B.(1) Except as provided in Paragraphs (2) and (3) of this Subsection,~~
24 ~~whoever~~ **Whoever** commits the crime of home invasion shall be fined not more than
25 five thousand dollars and shall be imprisoned at hard labor for ~~not more than twenty-~~
26 ~~five years~~ **not less than one year nor more than thirty years.**

27 ~~(2) Whoever commits the crime of home invasion while armed with a~~
28 ~~dangerous weapon shall be fined not more than seven thousand dollars and shall be~~
29 ~~imprisoned at hard labor for not less than five years nor more than thirty years.~~

30 ~~(3) Whoever commits the crime of home invasion when, at the time of the~~
31 ~~unauthorized entering, there is present in the dwelling or structure any person who~~
32 ~~is under the age of twelve years, is sixty-five years of age or older, or who has a~~
33 ~~developmental disability as defined in R.S. 28:451.2, shall be fined not more than ten~~
34 ~~thousand dollars and shall be imprisoned at hard labor for not less than ten nor more~~
35 ~~than twenty-five years. At least ten years of the sentence imposed shall be served~~
36 ~~without benefit of parole, probation, or suspension of sentence.~~

37 * * *

38 §67. Theft

39 * * *

40 B.(1) Whoever commits the crime of theft when the misappropriation or
41 taking amounts to a value of twenty-five thousand dollars or more shall be
42 imprisoned, ~~with or without~~ **at** hard labor, for not ~~less than five years nor~~ more than
43 twenty years, or may be fined not more than fifty thousand dollars, or both.

44 (2) When the misappropriation or taking amounts to a value of five thousand
45 dollars or more, but less than a value of twenty-five thousand dollars, the offender
46 shall be imprisoned, with or without hard labor, for not more than ten years, or may
47 be fined not more than ten thousand dollars, or both.

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

52 (4) When the misappropriation or taking amounts to less than a value of
53 ~~seven hundred fifty~~ **one thousand** dollars, the offender shall be imprisoned for not
54 more than six months, or may be fined not more than one thousand dollars, or both.
55 If the offender in such cases has been convicted of theft two or more times
56 previously, upon any subsequent conviction he shall be imprisoned, with or without
57 hard labor, for not more than two years, or may be fined not more than two thousand
58 dollars, or both.

59 * * *

60 §67.25. Organized retail theft

61 * * *

1 D.(1) Whoever commits the crime of organized retail theft when the
2 aggregate amount of the misappropriation, taking, purchasing, possessing, procuring,
3 receiving, or concealing in any one-hundred-eighty-day period amounts to a value
4 ~~less than five hundred~~ **of twenty-five thousand** dollars **or more** shall be imprisoned
5 ~~with or without~~ **at** hard labor for not more than ~~two~~ **twenty** years, or may be fined
6 not more than ~~two~~ **fifty** thousand dollars, or both.

7 E.(2) 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 ~~more than five hundred~~ **of five thousand dollars or more, but less than a value of**
11 **twenty-five thousand** dollars shall be imprisoned with or without hard labor for not
12 more than ten years, or may be fined not more than ten thousand dollars, or both.

13 **(3) Whoever commits the crime of organized retail theft when the**
14 **aggregate amount of the misappropriation, taking, purchasing, possessing,**
15 **procuring, receiving, or concealing in any one-hundred-eighty-day period**
16 **amounts to a value of one thousand dollars or more but less than a value of five**
17 **thousand dollars shall be imprisoned, with or without hard labor, for not more**
18 **than five years.**

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

26 §67.26. Theft of a motor vehicle

27 * * *

28 C.(1) Whoever commits the crime of theft of a motor vehicle when the
29 misappropriation or taking amounts to a ~~sum of one thousand five hundred dollars~~
30 ~~or more shall be imprisoned, with or without hard labor, for not more than ten years~~
31 **value of twenty-five thousand dollars or more shall be imprisoned at hard labor**
32 **for not more than twenty years**, or may be fined not more than three thousand
33 dollars, or both.

34 (2) Whoever commits the crime of theft of a motor vehicle when the
35 misappropriation or taking amounts to a ~~sum of five hundred dollars or more but less~~
36 ~~than one thousand five hundred dollars shall be imprisoned, with or without hard~~
37 ~~labor, for not more than five years~~ **value of five thousand dollars or more, but less**
38 **than a value of twenty-five thousand dollars, shall be imprisoned at hard labor**
39 **for not more than ten years**, or may be fined not more than ~~two~~ **ten** thousand
40 dollars, or both.

41 (3) Whoever commits the crime of theft of a motor vehicle when the
42 misappropriation or taking amounts to a ~~sum of less than five hundred dollars shall~~
43 ~~be imprisoned for not more than six months~~ **value of one thousand dollars or more**
44 **but less than a value of five thousand dollars shall be imprisoned, with or**
45 **without hard labor, for not more than five years**, or may be fined not more than
46 ~~one~~ **three** thousand dollars, or both.

47 **(4) When the misappropriation or taking amounts to less than a value of**
48 **one thousand dollars, the offender shall be imprisoned for not more than six**
49 **months, or fined not more than one thousand dollars, or both. If the offender**
50 **in such cases has been convicted of theft two or more times previously, then**
51 **upon any subsequent conviction the offender shall be imprisoned for not more**
52 **than two years, or fined not more than two thousand dollars, or both.**

53 * * *

54 §68. Unauthorized use of a movable

55 * * *

56 B. Whoever commits the crime of unauthorized use of a movable having a
57 value of ~~five hundred~~ **one thousand** dollars or less shall be fined not more than five
58 hundred dollars, imprisoned for not more than six months, or both. Whoever
59 commits the crime of unauthorized use of a movable having a value in excess of ~~five~~
60 ~~hundred~~ **one thousand** dollars shall be fined not more than five thousand dollars,
61 imprisoned, with or without hard labor, for not more than ~~five~~ **two** years, or both.

1 * * *
2 §68.4. Unauthorized use of a motor vehicle
3 * * *

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

7 * * *
8 §68.7. Receipts and universal product code labels; unlawful acts
9 * * *

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

13 (a) When the fair market value of the goods which are the subject of the
14 falsified retail sales receipts or universal product code labels, as described in
15 Subsection A of this Section, ~~equals one thousand five hundred dollars or more,~~
16 ~~imprisonment, with or without hard labor, for not more than ten years~~ **amounts to**
17 **a value of twenty-five thousand dollars or more, the offender shall be**
18 **imprisoned at hard labor for not more than twenty years,** or a fine not to exceed
19 ~~three~~ **twenty-five** thousand dollars, or both.

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

28 (c) When the fair market value of the goods which are the subject of the
29 falsified retail sales receipts or universal product code labels, as described in
30 Subsection A of this Section, ~~is less than five hundred dollars, imprisonment for not~~
31 ~~more than six months~~ **amounts to a value of one thousand dollars or more but**
32 **less than five thousand dollars, the offender shall be imprisoned, with or**
33 **without hard labor, for not more than five years,** or a fine not to exceed ~~five~~
34 ~~hundred~~ **three thousand** dollars, or both. If a person is convicted of violating the
35 provisions of this Section in a manner consistent with this Subparagraph two or more
36 times previously, upon any subsequent conviction, he shall be imprisoned, with or
37 without hard labor, for not more than two years, or may be fined not more than two
38 thousand dollars, or both.

39 (d) **When the fair market value of the goods which are the subject of the**
40 **falsified retail sales receipts or universal product code labels, as described in**
41 **Subsection A of this Section, amounts to a value of less than one thousand**
42 **dollars, the offender shall be imprisoned for not more than six months, or fined**
43 **not more than five hundred dollars, or both. If a person is convicted of violating**
44 **the provisions of this Section in a manner consistent with this Subparagraph**
45 **two or more times previously, upon any subsequent conviction, he shall be**
46 **imprisoned, with or without hard labor, for not more than two years, or fined**
47 **not more than two thousand dollars, or both.**

48 (2) When there has been a violation of this Section by a number of distinct
49 acts of the offender, the aggregate amount of the goods taken shall determine the
50 grade of the offense.

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

55 (4) Possessing a device which has as its specific purpose the manufacture of
56 fraudulent retail sales receipts or universal product code labels in violation of the
57 provisions of this Section shall be punishable by imprisonment, with or without hard
58 labor, for a period not to exceed five years, or a fine not to exceed three thousand
59 dollars, or both.

60 §69. Illegal possession of stolen things
61 * * *

1 B.(1) Whoever commits the crime of illegal possession of stolen things, when
2 the value of the things is ~~one thousand five hundred dollars or more~~, shall be
3 ~~imprisoned, with or without hard labor, for not more than ten years~~ **twenty-five**
4 **thousand dollars or more, shall be imprisoned at hard labor for not more than**
5 **twenty years**, or may be fined not more than ~~three~~ **fifty** thousand dollars, or both.

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

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

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

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

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

31 ~~D. Repealed by Acts 2001, No. 944, §4.~~

32 * * *

33 §70.2. Refund or access device application fraud

34 * * *

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

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

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

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

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

60 * * *

61 §70.4. Access device fraud

* * *

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

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

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

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

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

* * *

§71. Issuing worthless checks

* * *

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

~~D.~~(2) When the amount of the check or checks is ~~five hundred~~ **thousand** dollars or more, but less than ~~one~~ **twenty-five** thousand ~~five hundred~~ dollars, the offender shall be imprisoned, with or without hard labor, for not more than ~~five~~ **ten** years, or may be fined not more than ~~two~~ **ten** thousand dollars, or both.

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

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

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

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

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

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

I.G. In addition to the provisions of Subsection H F, in any prosecution for a violation of this Section, the prosecution may enter as evidence of a violation of this Section any tangible copy, facsimile, or other reproduction of the check, draft, or order, or any electronic reproduction of the check, draft, or order, or any other form of the record of the check, draft, or order, provided that the tangible copy, facsimile, or other reproduction, or the electronic reproduction, or the other form of the record of the check, draft, or order has been made, recorded, stored, and reproduced in accordance with the requirements of the Louisiana Office of Financial Institutions, or in accordance with the requirements of the federal agency which regulates the bank or other depository, and provided that the appropriate officer of the bank or other depository has certified that the tangible copy, facsimile, or other reproduction, or the electronic copy, or the other form of the record of the check, draft, or order for the payment of money has been made, stored, and reproduced in accordance with the requirements of the Louisiana Office of Financial Institutions, or in accordance with the requirements of the federal agency which regulates the bank or other depository, and is a true and correct record of the transaction involving the check, draft, or order upon which the prosecution is based.

* * *

§82. Prostitution; definition; penalties; enhancement

* * *

C.(1)

* * *

* * *

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

* * *

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

* * *

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

* * *

§202.1. Residential contractor fraud; penalties

* * *

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

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

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

(4) **When the misappropriation or intentional taking amounts to a value of twenty-five thousand dollars or more, the offender shall be imprisoned at**

hard labor for not more than twenty years, or may be fined not more than fifty thousand dollars, or both.

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

* * *

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

* * *

E.(1) * * *

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

* * *

CHAPTER 3. LOUISIANA FELONY CLASS SYSTEM TASK FORCE
§601. Louisiana Felony Class System Task Force

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

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

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

(a) Three persons designated by the president of Louisiana District Attorneys Association.

(b) Three persons designated by the state public defender.

(c) Three persons designated by the chief justice of the Louisiana Supreme Court.

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

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

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

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

D. The task force shall prepare and submit a final report of its findings and recommendations, including but not limited to any specific and complete draft legislation, to the governor, the speaker of the House of Representatives, the president of the Senate, the chairman of the House Committee on Administration of Criminal Justice, the chairman of the Senate Committee on Judiciary C, and the chief justice of the Louisiana Supreme Court, no later than February 1, 2018. The report shall be made available to the public and the task force shall be abolished upon submission of the report.

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

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

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

1 Section 2. R.S. 40:966(B), (C), (D), (E), and (F), 967(B) and (C), 968(B) and (C),
2 969(B), (C), and (D), 970(B) and (C) are hereby amended and reenacted and R.S. 40:967(D)
3 is hereby enacted to 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 **imprisoned, with or without hard labor, for not less than one year nor more**
19 **than ten years.**

20 **(b) An aggregate weight of twenty-eight grams or more, shall be**
21 **imprisoned at hard labor for not less than one year nor more than twenty years.**

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

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

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

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

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

46 **(a) An aggregate weight of less than twenty-eight grams, shall be**
47 **imprisoned at hard labor for not less than one year nor more than twenty years**
48 **and may, in addition, be required to pay a fine of not more than fifty thousand**
49 **dollars.**

50 **(b) An aggregate weight of twenty-eight grams or more, shall be**
51 **imprisoned at hard labor for not less than two years nor more than forty years**
52 **and may, in addition, be required to pay a fine of not more than fifty thousand**
53 **dollars.**

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

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

7 ~~(1) A substance classified in Schedule I which is a narcotic drug (all~~
 8 ~~substances in Schedule I preceded by an asterisk), shall be imprisoned at hard labor~~
 9 ~~for not less than four years nor more than ten years and may, in addition, be required~~
 10 ~~to pay a fine of not more than five thousand dollars. **Except as otherwise provided**~~
 11 ~~**in Paragraphs (2), (3), (4), and (5) of this Subsection, a substance classified in**~~
 12 ~~**Schedule I for an amount of:**~~

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

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

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

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

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

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

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

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

47 E.(1) Possession of marijuana:

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

52 **(3) A substance classified in Schedule I that is marijuana,**
 53 **tetrahydrocannabinol, or chemical derivatives thereof, the offender shall be**
 54 **punished as follows:**

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

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

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

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

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

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

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

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

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

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

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

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

47 ~~(f)(h) Except as provided in Item (a)(iii) Subparagraph (c) of this~~
 48 ~~Paragraph, a conviction for the violation of any other statute or ordinance with the~~
 49 ~~same elements as Paragraph (B)(3) of this Section prohibiting the distributing or~~
 50 ~~dispensing or possession with intent to distribute or dispense marijuana,~~
 51 ~~tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids shall~~
 52 ~~be considered as a prior conviction for the purposes of this Subsection relating to~~
 53 ~~penalties for second, third, or subsequent offenders.~~

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

59 ~~(b) Except as provided in Subsections F and G of this Section, on a second~~
 60 ~~conviction for violation of Subsection C of this Section with regard to synthetic~~
 61 ~~cannabinoids, the offender shall be fined not less than two hundred fifty dollars nor~~

1 more than two thousand dollars, imprisoned with or without hard labor for not more
 2 than five years, or both.

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

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

12 **(4) A substance classified in Schedule I which is a synthetic cannabinoid,**
 13 **the offender shall be punished as follows:**

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

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

19 **(c) On a third or subsequent conviction, the offender shall be sentenced**
 20 **to imprisonment at hard labor for not more than twenty years, and may, in**
 21 **addition, be fined not more than five thousand dollars.**

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

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

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

35 **(5) A substance classified in Schedule I that is the narcotic drug heroin**
 36 **or a mixture or substance containing a detectable amount of heroin or of its**
 37 **analogues, or fentanyl or a mixture or substance containing a detectable amount**
 38 **of fentanyl or its analogues, upon conviction for an amount:**

39 **(a) An aggregate weight of less than two grams, shall be sentenced to a**
 40 **term of imprisonment, with or without hard labor, for not less than two years**
 41 **nor more than four years and may, in addition, be required to pay a fine of not**
 42 **more than five thousand dollars. If the sentence is suspended pursuant to Code**
 43 **of Criminal Procedure Article 893.1, then the court shall order treatment as a**
 44 **condition of probation.**

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

49 F. Except as otherwise authorized in this Part:

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

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

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

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

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

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

23 **(1) For marijuana, tetrahydrocannabinol, synthetic cannabinoids, or**
24 **chemical derivatives thereof, more than two and one half pounds.**

25 **(2) For any Schedule I controlled substance, more than twenty-eight**
26 **grams.**

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

33 **I.F.** Immunity from prosecution. Any person who is a patient of the
34 state-sponsored medical marijuana program in Louisiana, and who possesses medical
35 marijuana in a form permissible under R.S. 40:1046 for a condition enumerated
36 therein, a caregiver as defined in R.S. 15:1503, or any person who is a domiciliary
37 parent of a minor child who possesses medical marijuana on behalf of his minor
38 child in a form permissible under R.S. 40:1046 for a condition enumerated therein
39 pursuant to a legitimate medical marijuana prescription or recommendation, shall not
40 be subject to prosecution for possession or distribution of marijuana under this
41 Section for possessing medical marijuana or dispensing medical marijuana to his
42 minor child who is a patient of the state-sponsored medical marijuana program. This
43 defense must be raised in accordance with R.S. 40:991, and the defendant bears the
44 burden of proof of establishing that the possession or distribution of the marijuana
45 was in accordance with the state-sponsored medical marijuana program.

46 §967. Prohibited acts-Schedule II, penalties

47 * * *

48 B. Penalties for violation **Violations** of Subsection A. Except as provided in
49 Subsection F, any **Any** person who violates Subsection A **of this Section** with
50 respect to:

51 (1) **Except as otherwise provided in Paragraphs (2) and (3) of this**
52 **Subsection, a** substance classified in Schedule II ~~which is an amphetamine or~~
53 ~~methamphetamine or which is a narcotic drug, except cocaine or cocaine base or a~~
54 ~~mixture or substance containing cocaine or its analogues as provided in Schedule~~
55 ~~H(A)(4) of R.S. 40:964 and except oxycodone as provided in Schedule H(A)(1)(o)~~
56 ~~of R.S. 40:964 and except methadone as provided in Schedule H(B)(11) of R.S.~~
57 ~~40:964 shall be sentenced to a term of imprisonment at hard labor for not less than~~
58 ~~two years nor more than thirty years; and may, in addition, be sentenced to pay a fine~~
59 ~~of not more than fifty thousand dollars: **for an amount of a controlled substance**~~
60 **of:**

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

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

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

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

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

23 (4)(3)(a) Production or manufacturing of cocaine or cocaine base or a mixture
24 or substance containing cocaine or its analogues as provided in Schedule II(A)(4)
25 of R.S. 40:964 or oxycodone as provided in Schedule II(A)(1)(o) of R.S. 40:964 or
26 methadone as provided in Schedule II(B)(11) of R.S. 40:964 shall be sentenced to
27 imprisonment at hard labor for not less than ten nor more than thirty years, at least
28 ten years of which shall be served without benefit of parole, probation, or suspension
29 of sentence, and may be fined not more than five hundred thousand dollars.

30 * * *

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

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

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

46 An aggregate weight of less than two grams, shall be imprisoned, with
47 or without hard labor, for not more than two years and, in addition, may be
48 sentenced to pay a fine of not more than five thousand dollars.

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

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

57 D. If a person knowingly or intentionally possesses a controlled substance
58 as classified in Schedule II, unless such substance was obtained directly or
59 pursuant to a valid prescription or order from a practitioner, as provided in
60 R.S. 40:978 while acting in the course of his professional practice, where the

amount of the controlled substance is an aggregate weight of twenty-eight grams or more, it shall be considered a violation of Subsection A of this Section.

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

* * *

§968. Prohibited acts-Schedule III; penalties

* * *

~~B. Penalties for violation~~ **Violations** of Subsection A. Any person who violates Subsection A **of this Section** with respect to any controlled dangerous substance classified in Schedule III shall be sentenced to a term of imprisonment, **at with or without** hard labor, for not more than ten years; and, in addition, may be sentenced to pay a fine of not more than fifteen thousand dollars.

* * *

§969. Prohibited acts-Schedule IV; penalties

* * *

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

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

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

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

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

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

* * *

§970. Prohibited acts-Schedule V; penalties

* * *

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

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

AMENDMENT NO. 7

On page 71, at the beginning of line 14 after "Section 3." delete the remainder of the line and delete lines 15 through 17, and insert the following:

"R.S. 14:2(B)(8), (14), (25), and (29), 56.1, 56.2, 56.3, 67.1, 67.2, 67.6, 67.7, 67.8, 67.9, 67.10, 67.18, 67.20, 67.21, 67.24, 67.25(E), 67.28, 67.30, and 68.5, 94(E) and (F),

1 71(H) and (I), 95(J) and (K) and 211 and R.S. 40:966(H) and (I) and 967(F) and (G) are
2 hereby repealed in their entirety."