

<b>FOR OFFICE USE ONLY</b>	

**HOUSE FLOOR AMENDMENTS**

2017 Regular Session

Amendments proposed by Representative Marino to Reengrossed Senate Bill No. 220 by Senator Alario

1 AMENDMENT NO. 1

2 On page 1, line 5, after "(E)," and before "967(B)" change "and (F)," to "(F), and (G),"

3 AMENDMENT NO. 2

4 On page 1, line 7, change "R.S. 40:967(D)," to "R.S. 40:967(C)(3) and (D),"

5 AMENDMENT NO. 3

6 On page 17, line 1, after "(E)," and before "967(B)" change "and (F)," to "(F), and (G),"

7 AMENDMENT NO. 4

8 On page 17, line 2, change "R.S. 40:967(D) is" to "R.S. 40:967(C)(3) and (D) are"

9 AMENDMENT NO. 5

10 On page 18, line 15, after "analogues" delete the remainder of the line and delete lines 16  
11 through 27 in their entirety and insert the following:

12 "or a mixture or substance containing a detectable amount of heroin or  
13 its analogues, or fentanyl or a mixture of substances containing a detectable  
14 amount of fentanyl or its analogues, upon conviction for any amount, shall be  
15 imprisoned at hard labor for not less than five years nor more than forty years  
16 and may, in addition, be required to pay a fine of not more than fifty thousand  
17 dollars."

18 AMENDMENT NO. 6

19 On page 19, line 16, after "**Paragraphs**" and before "**of this Subsection**" change "**(2), (3),**  
20 **(4), and (5)**" to "**(2), (3), and (4)**"

21 AMENDMENT NO. 7

22 On page 19, delete lines 25 through 29 in their entirety

23 AMENDMENT NO. 8

24 On page 20, at the beginning of line 28, change "**(3)**" to "**(2)**"

25 AMENDMENT NO. 9

26 On page 23, at the beginning of line 22, change "**(4)**" to "**(3)**"

27 AMENDMENT NO. 10

1 On page 24, at the beginning of line 16, change "~~(5)~~" to "(4)"

2 AMENDMENT NO. 11

3 On page 24, line 22, after "four years" insert a period "." and delete the remainder of the line  
4 and delete lines 23 through 25 in their entirety.

5 AMENDMENT NO. 12

6 On page 24, line 28, after "less than" and before "nor more" change "one year" to "two  
7 years"

8 AMENDMENT NO. 13

9 On page 26, between lines 28 and 29, insert the following:

10 "G. Treatment for heroin and fentanyl addiction as a condition for  
11 probation. (1) Upon conviction of Paragraph (B)(3) or (C)(4) of this Section,  
12 possession with intent to distribute heroin or fentanyl or possession of heroin or  
13 fentanyl, the court may suspend any sentence which it imposes and place the  
14 defendant on probation pursuant to Code of Criminal Procedure Article 893.  
15 The court may order the division of probation and parole of the Department of  
16 Public Safety and Corrections to conduct a presentence investigation, or may  
17 order the defendant to obtain a substance abuse evaluation, for the purpose of  
18 determining whether the defendant has a substance abuse disorder.

19 (2) Upon receiving the report or evaluation, the court shall, if it finds  
20 probable cause from such report to believe the defendant has a substance abuse  
21 disorder, order a contradictory hearing for the purpose of making a judicial  
22 determination on whether the defendant has a substance abuse disorder.

23 (3) If, at such contradictory hearing, the court determines that the  
24 defendant has a substance abuse disorder, it shall require as a condition of  
25 probation that the defendant complete a drug treatment program if the  
26 following conditions are met:

27 (a) There is an available program in the local jurisdiction that has  
28 sufficient experience in working with criminal justice participants with  
29 substance abuse disorders and is certified and approved by the state of  
30 Louisiana.

31 (b) The cost of the approved treatment does not create a substantial  
32 financial hardship to the defendant or his dependents. For purposes of this  
33 determination, "substantial financial hardship" shall have the same meaning  
34 as provided in R.S. 15:175.

35 (4) If the offender does not successfully complete the drug treatment  
36 program, or otherwise violates the conditions of his probation, the court may  
37 revoke the probation or impose other sanctions pursuant to Code of Criminal  
38 Procedure Article 900."

39 AMENDMENT NO. 14

40 On page 29, between lines 19 and 20, insert the following:

41 "(3) Phencyclidine, for an amount of an aggregate weight of less than  
42 twenty-eight grams, shall be imprisoned at hard labor for not less than one year  
43 nor more than twenty years, or required to pay a fine of not more than five  
44 thousand dollars, or both."