

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 220

2017 Regular Session

Alario

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

CRIME/PUNISHMENT. Provides penalties for certain offenses. (8/1/17)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Restores present law prohibition on suspension of sentence for persons convicted of the present law crime of possession of firearm or carrying concealed weapon by a person convicted of certain felonies.
2. Changes the date by which the names of persons who are to serve on the task force shall be submitted to the chief justice of the La. Supreme Court from July 1, 2017, to Sept. 1, 2017.
3. Changes the date by which the first meeting of the task force shall be held from July 15, 2017, to Sept. 15, 2017.
4. Adds provisions for penalties involving the distribution or possession of the Schedule 1 narcotic drug heroin or a mixture of a substance containing a detectable amount of heroin or its analogues or fentanyl or a mixture of substances containing a detectable amount of fentanyl or its analogues.
5. Provides for treatment of heroin and fentanyl addiction as a condition probation and for monitoring the defendant in a drug treatment program.
6. Adds provisions for penalties involving possession of phencyclidine.
7. Make technical corrections with respect to citations.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

SB 220 Reengrossed

2017 Regular Session

Alario

Present law provides elements, definitions, and penalties for the following offenses: simple arson, communicating of false information of planned arson, simple criminal damage to property, simple burglary of an inhabited dwelling, home invasion, theft, organized retail theft, theft of a motor vehicle, unauthorized use of a movable, unauthorized use of a motor vehicle, unlawful acts relative to receipts and universal product code labels, illegal possession of stolen things, refund or access device application fraud, access device fraud, issuing worthless checks, prostitution, residential contractor fraud, and money laundering.

Proposed law increases, reduces, or otherwise modifies the penalty provisions for these present law offenses in accordance with the report and recommendations of the Justice Reinvestment Task Force.

Present law provides elements, definitions, and penalties relative to offenses under the Uniform Controlled Dangerous Substances Law.

Proposed law increases, reduces, or otherwise modifies the penalty provisions for these present law offenses in accordance with certain recommendations of the Justice Reinvestment Task Force.

Present law designates certain offenses as "crimes of violence" for purposes of present law and proposed law.

Proposed law deletes the following offenses from present law: mingling harmful substances, extortion, and illegal use of weapons or dangerous instrumentalities.

Present law provides elements, definitions, and penalties for the following offenses: theft of animals; failure to remit payment for sale of forest products; criminal damage to coin-operated devices; criminal damage to a pipeline facility; criminal damage to genetically engineered crops, genetically engineered crop facilities, or genetically engineered crop information; simple burglary of a pharmacy; simple burglary of a religious building; simple burglary of a law enforcement or emergency vehicle; theft of livestock; theft of goods; cheating and swindling; theft of timber; theft of a business record; theft of the assets of a person who is aged or a person with a disability; theft of utility service; theft of petroleum products; theft of oilfield geological survey; theft of oil and gas equipment; theft of utility property; and theft of copper or other metals. Proposed law repeals these provisions.

Proposed law creates the La. Felony Class System Task Force to study, evaluate, and develop a recommendation for a felony class system before the 2018 Regular Session of the legislature.

Proposed law provides relative to the membership and organization of La. Felony Class System Task Force.

Proposed law requires the names of the persons who are to serve on the task force to be submitted to the chief justice of the La. Supreme Court on or before Sept. 1, 2017. Proposed law requires the chief justice to call the first meeting of the task force on or before Sept. 15, 2017. Proposed law further requires the task force to meet a minimum of six times between Sept. 15, 2017, and Feb. 1, 2018.

Proposed law requires the task force to prepare and submit a final report of its findings and recommendations, including 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 La. Supreme Court, no later than Feb. 1, 2018. Provides that the task force becomes null and of no effect on Feb. 2, 2018.

Proposed law provides for penalties for distribution or possession of the Schedule 1 narcotic drug heroin or a mixture of a substance containing a detectable amount of heroin or its analogues or a mixture or substance containing a detectable amount of heroin or its analogues, or fentanyl or a mixture of substances containing a detectable amount of fentanyl or its analogues, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than 40 years and may, in addition, be required to pay a fine of not more than \$50,000.

Proposed law provides for treatment of heroin and fentanyl addiction as a condition probation and for monitoring the defendant in a drug treatment program.

Proposed law provides penalties for possession of phencyclidine, for an amount of an aggregate weight of less than 28 grams of imprisonment at hard labor for not less than one year nor more than 20 years or payment of a fine up to \$5,000, or both.

Effective August 1, 2017.

(Amends R.S. 14:52(B), 54.1(B), 56(B)(1) and (2), 62.2(B), 62.8(B), 67(B), 67.25(D), 67.26(C), 68(B), 68.4(B), 68.7(B)(1), 69(B) and (C), 70.2(C), 70.4(E), 71(C), (D), (E), (F), and (G), 82(C)(3), 95.1(B), 202.1(C), and 230(E)(4) and R.S. 40:966(B), (C), (D), (E), (F), and (G), 967(B) and (C), 968(B) and (C), 969(B) and (C), and 970(B) and (C); Adds R.S. 14:69(D) and 601 and R.S. 40:967(C)(3) and (D); Repeals R.S. 14:2(B)(8), (25) and (29), 56.1, 56.2, 56.3, 62.1, 62.6, 62.9, 67.1, 67.2, 67.3, 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, 68.5, 71(H) and (I), and 211 and R.S. 40:966(G), (H) and (I) and 967(F) and (G))

---

Thomas L. Tyler  
Deputy Chief of Staff