

SENATE BILL NO. 49

BY SENATORS HEWITT, ABRAHAM, BERNARD, CLOUD, CONNICK, CORTEZ, FESI, HENRY, HENSGENS, KLEINPETER, MILLIGAN, MIZELL, MORRIS, PEACOCK, SMITH, STINE, WHITE AND WOMACK AND REPRESENTATIVES EDMONDS, EDMONSTON, GAROFALO, GOUDEAU, HORTON, LAFLEUR AND VILLIO

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

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AN ACT

To amend and reenact R.S. 40:983(C) and (D), relative to penalties for the creation or operation of a clandestine laboratory; to provide relative to the creation or operation of a clandestine laboratory which manufactures fentanyl; to provide relative to the creation or operation of a clandestine laboratory which manufactures carfentanil; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:983(C) and (D) are hereby amended and reenacted to read as follows:

§983. Creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance; definition; penalties

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**C. (1) Except as provided in Paragraph (2) of this Subsection, whoever**

~~Whoever~~ commits the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance shall be sentenced to imprisonment at hard labor for not less than five years nor more than fifteen years; and may, in addition, be sentenced to pay a fine of not more than twenty-five thousand dollars.

**(2) Whoever commits the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues, shall be sentenced as follows:**

1           (a) On a first conviction, imprisonment at hard labor for not less than  
2 ten years nor more than forty years, at least ten years of which shall be served  
3 without benefit of parole, probation, or suspension of sentence and may, in  
4 addition, be required to pay a fine of not more than fifty thousand dollars.

5           (b) On a second conviction, imprisonment at hard labor for not less than  
6 thirty years nor more than forty years, at least ten years of which shall be  
7 served without benefit of parole, probation, or suspension of sentence and may,  
8 in addition, be required to pay a fine of not more than five hundred thousand  
9 dollars.

10          (c) On a third or subsequent conviction, imprisonment at hard labor for  
11 not less than ninety-nine years, which shall be served without benefit of parole,  
12 probation, or suspension of sentence and may, in addition, be required to pay  
13 a fine of not more than five hundred thousand dollars.

14           D. In addition to the ~~penalties~~ ~~penalty~~ provided in Subsection C of this  
15 Section, a person convicted under the provisions of this Section may be ordered to  
16 make restitution for the actual governmental cost incurred in the cleanup of any  
17 hazardous waste resulting from the operation of a laboratory for the unlawful  
18 manufacture of a controlled dangerous substance. The court may order that such  
19 amount be paid directly to the governmental agency or agencies that actually  
20 incurred the cleanup expense.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_