

Regular Session, 2012

SENATE BILL NO. 59

BY SENATOR MORRELL

CRIME/PUNISHMENT. Creates crime of utilizing or permitting the presence of a juvenile in drug trafficking. (gov sig)

1 AN ACT
2 To enact R.S. 40:981.5, relative to controlled dangerous substances; to create the crime of
3 utilizing or permitting the presence of a juvenile in drug trafficking; to provide
4 elements of the crime and definitions; to provide penalties; and to provide for related
5 matters.
6 Be it enacted by the Legislature of Louisiana:
7 Section 1. R.S. 40:981.5 is hereby enacted to read as follows:
8 **§981.5. Utilizing or permitting the presence of a juvenile in drug trafficking**
9 **A. It shall be unlawful for any person to employ or otherwise utilize any**
10 **juvenile in, or to entice, coerce, aid, or permit any juvenile to be on the premises**
11 **or in any motor vehicle where there is being committed, the distribution or**
12 **possession with intent to distribute of heroin, methamphetamine, or cocaine in**
13 **violation of R.S. 40:966 through 970.**
14 **B. The term "juvenile" as used in this Section refers to any child under**
15 **the age of seventeen years. Lack of knowledge of the juvenile's age shall not be**
16 **a defense.**
17 **C. Whoever commits the crime of utilizing or permitting the presence of**

1 **a juvenile in drug trafficking shall be sentenced to a term of imprisonment at**
 2 **hard labor for not less than ten nor more than thirty years, at least ten years of**
 3 **which shall be served without benefit of parole, probation, or suspension of**
 4 **sentence, and in addition shall be fined not less than ten thousand dollars nor**
 5 **more than fifty thousand dollars.**

6 Section 2. This Act shall become effective upon signature by the governor or, if not
 7 signed by the governor, upon expiration of the time for bills to become law without signature
 8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 10 effective on the day following such approval.

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

DIGEST

Morrell (SB 59)

Proposed law creates the crime of utilizing or permitting the presence of a juvenile in drug trafficking.

Proposed law makes it a crime for any person to employ or otherwise utilize any juvenile to distribute or possess with the intent to distribute heroin, methamphetamine, or cocaine in violation of present law. Proposed law further makes it a crime for any person to entice, coerce, aid, or permit any juvenile to be on the premises or in any motor vehicle where the distribution or possession with intent to distribute of heroin, methamphetamine, or cocaine is being committed in violation of present law.

Proposed law provides that for the purposes of proposed law the term "juvenile" refers to any child under the age of seventeen years. Proposed law further provides that lack of knowledge of the juvenile's age is not a defense to the crime of utilizing or permitting the presence of a juvenile in drug trafficking.

Proposed law provides that whoever commits the crime of utilizing or permitting the presence of a juvenile in drug trafficking is to be sentenced to a term of imprisonment at hard labor for not less than 10 nor more than 30 years, at least 10 years of which must be served without benefit of parole, probation, or suspension of sentence. Proposed law further provides that in addition to imprisonment, whoever commits this crime is to be fined not less than \$10,000 nor more than \$50,000.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 40:981.5)