1 AN ACT relating to crimes and punishments.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 218A.1410 is amended to read as follows:

4 (1) A person is guilty of importing heroin, carfentanil, fentanyl, or fentanyl derivatives
5 when he or she knowingly and unlawfully transports any quantity of heroin,
6 carfentanil, fentanyl, or fentanyl derivatives into the Commonwealth by any means
7 with the intent to sell or distribute the heroin, carfentanil, fentanyl, or fentanyl
8 derivatives.

9 (2) The provisions of this section are intended to be a separate offense from others in
10 this chapter, and shall be punished in addition to violations of this chapter occurring
11 during the same course of conduct.

12 (3) ***(a)*** Importing heroin[~~, carfentanil, fentanyl, or fentanyl derivatives~~] is a Class C
13 felony, and the defendant shall not be released on probation, shock probation,
14 conditional discharge, or parole until he or she has served at least fifty percent
15 (50%) of the sentence imposed.

16 ***(b) Importing carfentanil, fentanyl, or fentanyl derivatives is a Class C felony,***
17 ***and the defendant:***

18 ***1. Shall not be eligible for pretrial diversion; and***

19 ***2. Shall not be released on probation, shock probation, conditional***
20 ***discharge, or parole until he or she has served at least eighty-five***
21 ***percent (85%) of the sentence imposed.***

22 ➔Section 2. KRS 218A.1412 is amended to read as follows:

23 (1) A person is guilty of trafficking in a controlled substance in the first degree when he
24 or she knowingly and unlawfully traffics in:

25 (a) Four (4) grams or more of cocaine;

26 (b) Two (2) grams or more of methamphetamine;

27 (c) ***One (1) gram of more of fentanyl, carfentanil, or fentanyl derivatives;***

1 ***(d)*** Ten (10) or more dosage units of a controlled substance that is classified in
2 Schedules I or II and is a narcotic drug, or a controlled substance analogue;
3 ***(e)***[~~(d)~~] Any quantity of heroin[~~, fentanyl, carfentanil, or fentanyl derivatives~~];
4 lysergic acid diethylamide; phencyclidine; gamma hydroxybutyric acid
5 (GHB), including its salts, isomers, salts of isomers, and analogues; or
6 flunitrazepam, including its salts, isomers, and salts of isomers; or
7 ***(f)***[~~(e)~~] Any quantity of a controlled substance specified in paragraph (a), (b),
8 ***(c),*** or ***(d)***[~~(c)~~] of this subsection in an amount less than the amounts specified
9 in those paragraphs.
10 (2) The amounts specified in subsection (1) of this section may occur in a single
11 transaction or may occur in a series of transactions over a period of time not to
12 exceed ninety (90) days that cumulatively result in the quantities specified in this
13 section.
14 (3) (a) Any person who violates the provisions of subsection (1)(a), (b), (c), ***(d),*** or
15 ***(e)***[~~(d)~~] of this section shall be guilty of a Class C felony for the first offense
16 and a Class B felony for a second or subsequent offense.
17 (b) Any person who violates the provisions of subsection (1)***(f)***[~~(e)~~] of this section
18 shall be guilty of a Class D felony for the first offense and a Class C felony for
19 a second or subsequent offense.
20 (c) Any person convicted of a Class C felony offense or higher under this section
21 shall not be released on probation, shock probation, parole, conditional
22 discharge, or other form of early release until he or she has served at least fifty
23 percent (50%) of the sentence imposed in cases where the trafficked substance
24 was heroin[~~, fentanyl, carfentanil, or fentanyl derivatives~~].
25 ***(d) Any person convicted of a Class C felony offense or higher under this***
26 ***section shall not be eligible for pretrial diversion, and shall not be released***
27 ***on probation, shock probation, parole, conditional discharge, or other form***

1 ***of early release until he or she has served at least eighty-five percent (85%)***
2 ***of the sentence imposed in cases where the trafficked substance was***
3 ***fentanyl, carfentanil, or fentanyl derivatives.***
4 ➔Section 3. KRS 218A.142 is amended to read as follows:
5 (1) A person is guilty of aggravated trafficking in a controlled substance in the first
6 degree when he or she knowingly and unlawfully traffics in:
7 (a) One hundred (100) grams or more of heroin;
8 (b) Twenty-eight (28) grams or more of fentanyl; or
9 (c) Ten (10) grams or more of carfentanil or fentanyl derivatives.
10 (2) Aggravated trafficking in a controlled substance in the first degree is a Class B
11 felony, and***:***
12 ***(a)*** The defendant shall not be released on probation, shock probation, conditional
13 discharge, or parole until he or she has served at least fifty percent (50%) of
14 the sentence imposed ***where the trafficked substance was heroin; or***
15 ***(b) The defendant shall not be eligible for pretrial diversion, and shall not be***
16 ***released on probation, shock probation, conditional discharge, or parole***
17 ***until he or she has served at least eighty-five percent (85%) of the sentence***
18 ***imposed where the trafficked substance was fentanyl, carfentanil, or***
19 ***fentanyl derivatives.***
20 ➔Section 4. This Act shall be known as Dalton's Law.