

**CHAPTER 130****( HB 215 )**

AN ACT relating to crimes and punishments.

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

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

- (1) A person is guilty of importing heroin, carfentanil, fentanyl, or fentanyl derivatives when he or she knowingly and unlawfully transports any quantity of heroin, carfentanil, fentanyl, or fentanyl derivatives into the Commonwealth by any means with the intent to sell or distribute the heroin, carfentanil, fentanyl, or fentanyl derivatives.
- (2) The provisions of this section are intended to be a separate offense from others in this chapter, and shall be punished in addition to violations of this chapter occurring during the same course of conduct.
- (3) (a) Importing heroin ~~[, carfentanil, fentanyl, or fentanyl derivatives]~~ is a Class C felony, and the defendant shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least fifty percent (50%) of the sentence imposed.
  - (b) ***Importing carfentanil, fentanyl, or fentanyl derivatives is a Class C felony, and the defendant:***
    1. ***Shall not be eligible for pretrial diversion; and***
    2. ***Shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least eighty-five percent (85%) of the sentence imposed.***

➔Section 2. KRS 218A.142 is amended to read as follows:

- (1) A person is guilty of aggravated trafficking in a controlled substance in the first degree when he or she knowingly and unlawfully traffics in:
  - (a) One hundred (100) grams or more of heroin;
  - (b) Twenty-eight (28) grams or more of fentanyl; or
  - (c) Ten (10) grams or more of carfentanil or fentanyl derivatives.
- (2) Aggravated trafficking in a controlled substance in the first degree is a Class B felony, and:
  - (a) The defendant shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least fifty percent (50%) of the sentence imposed ***where the trafficked substance was heroin; or***
  - (b) ***The defendant shall not be eligible for pretrial diversion, and shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least eighty-five percent (85%) of the sentence imposed where the trafficked substance was fentanyl, carfentanil, or fentanyl derivatives.***

➔Section 3. This Act shall be known as Dalton's Law.

**Signed by Governor April 8, 2022.**