

ACT No. 196

2017 Regular Session

HOUSE BILL NO. 110

BY REPRESENTATIVE BILLIOT

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AN ACT

To amend and reenact Code of Criminal Procedure Article 890.3, relative to crimes of violence; to provide relative to sentencing for crimes of violence; to provide relative to the procedure by which certain crimes are designated in the court minutes as crimes of violence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 890.3 is hereby amended and reenacted to read as follows:

Art. 890.3. Sentencing for crimes of violence

A. Except as provided in Paragraph ~~B~~ C of this Article, when a defendant is sentenced for any offense, or the attempt to commit any offense, defined or enumerated as a crime of violence in R.S. 14:2(B), ~~upon the district attorney may make a written recommendation of the district attorney, the court may designate in the minutes whether such offense is~~ to the court that the offense should not be designated as a crime of violence only for the following purposes:

(1) ~~To determine a~~ The defendant's eligibility for suspension or deferral of sentence pursuant to Article 893.

(2) ~~To determine a~~ The defendant's eligibility for participation in a drug division probation program pursuant to R.S. 13:5304.

1 B. In the absence of a written recommendation by the district attorney as
 2 provided in Paragraph A of this Article, the offense shall be designated as a crime
 3 of violence as a matter of law.

4 ~~B-C.~~ The following crimes of violence enumerated in R.S. 14:2(B) shall
 5 always be designated by the court in the minutes as a crime of violence:

- 6 (1) Solicitation for murder.
- 7 (2) First degree murder.
- 8 (3) Second degree murder.
- 9 (4) Manslaughter.
- 10 (5) Aggravated or first degree rape.
- 11 (6) Forcible or second degree rape.
- 12 (7) Simple or third degree rape.
- 13 (8) Sexual battery.
- 14 (9) Second degree sexual battery.
- 15 (10) Intentional exposure to AIDS virus.
- 16 (11) Aggravated kidnapping.
- 17 (12) Second degree kidnapping.
- 18 (13) Aggravated arson.
- 19 (14) Armed robbery.
- 20 (15) Assault by drive-by shooting.
- 21 (16) Carjacking.
- 22 (17) Terrorism.
- 23 (18) Aggravated second degree battery.
- 24 (19) Aggravated assault with a firearm.
- 25 (20) Armed robbery; use of firearm; additional penalty.
- 26 (21) Second degree robbery.
- 27 (22) Disarming of a peace officer.
- 28 (23) Second degree cruelty to juveniles.
- 29 (24) Aggravated crime against nature.
- 30 (25) Trafficking of children for sexual purposes.

- 1 (26) Human trafficking.
- 2 (27) Home invasion.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____