

## HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 191 by Representative Perry

CRIMINAL/PROCEDURE: Amends provisions of the habitual offender law

### Synopsis of Senate Amendments

1. Added a life sentence without the benefit of parole, probation or suspension of sentence for repeat sex offenders when the victim is under the age of 13.

### Digest of Bill as Finally Passed by Senate

Present law provides for increased penalties for repeat or habitual offenders.

Present law provides that if the second felony is such that upon a first conviction the offender would be punishable by imprisonment for any term less than his natural life, then the sentence to imprisonment shall be for a determinate term not less than 1/2 the longest term and not more than twice the longest term prescribed for a first conviction.

Proposed law retains the provisions of present law and provides that if the second felony and the prior felony are sex offenses or the prior felony would be a sex offense but the offense occurred prior to June 18, 1992, or conviction was obtained under the laws of any other state, the U.S., or any foreign government, the person shall be sentenced to imprisonment for a determinate term not less than 2/3 of the longest possible sentence for the conviction and not more than three times the longest possible sentence prescribed for a first conviction, without benefit of probation, parole, or suspension of sentence.

Proposed law further provides that if the second felony and the prior felony sex offenses or the prior felony would be a sex offense but the offense occurred prior to June 18, 1992, or conviction was obtained under the laws of any other state, the U.S., or any foreign government, and the victims of the previous offense and the instant offense were under the age of thirteen years at the time of the commission of the offense or any part thereof, the person shall be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.

Present law further provides increased penalty provisions for third, fourth, or subsequent felony convictions.

Present law further provides for the use of adjudications of delinquency for certain crimes of violence and violations of the Uniform Controlled Dangerous Substances Law to obtain increased penalties pursuant to the habitual offender law.

*The Louisiana Supreme Court in State v. Brown, 879 So.2d 1276, 2003-2788 (La. 7/6/04) declared that the use of juvenile adjudications of delinquency to be counted as predicate offenses for the purposes of the habitual offender law was unconstitutional.*

Proposed law repeals the provisions of present law declared to be unconstitutional in the case of *State v. Brown*.

(Amends R.S. 15:529.1(A), (C), (D), and (E))