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## DIGEST

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HB 494 Original

2017 Regular Session

Marino

**Abstract:** Provides for the classification of criminal offenses and provides penalties based upon the classification of the criminal offense.

Each criminal offense provided for in present law imposes its own unique set of penalties and applies its own restrictions on how the sentence can be served, including eligibility for probation or parole.

Present law further provides for the number of jurors before which a case shall be tried based upon the type of penalty imposed. Cases punishable by death or life imprisonment shall be tried before a jury of 12 jurors, cases in which punishment is necessarily confinement at hard labor shall be tried before a jury of twelve jurors, and cases in which the punishment may be confinement at hard labor shall be tried before a jury of six jurors.

Proposed law classifies each offense as either "Capital", "Class A", "Class B", "Class C", "Class D", "Class E", or "Class F" and, based upon the class of the offense, provides a standard set of penalties and restrictions, and provides for the number of jurors before which the case shall be tried.

Proposed law provides that for crimes in "Class F", the penalties provided for in the statute that defines the offense shall apply.

Proposed law provides for the following relative to the classes of offenses:

Class	Sentence Range	Hard Labor	Ability to Suspend	Number of Jurors
Capital	Life sentence or death penalty	with	none	12
A	10 - 40 years	with	At least ten years shall be served without benefit of suspension.	12
B	2 - 4 years	with	If the offense is a crime of violence or a sex offense, the sentence cannot be suspended.	12

C	1 - 20 years	with	If the offense is a crime of violence or a sex offense, the sentence cannot be suspended.	12
D	1 - 10 years	with or without	all	6
E	1 - 5 years	with or without	all, a maximum of two years may be left unsuspended	6
F	miscellaneous offenses and penalties			

Proposed law classifies criminal offenses provided for in Title 14 of the La. Revised Statutes of 1950, and enumerates the offenses that belong in each class.

(Adds R.S. 14:28.2 and 28.3)