

2017 Regular Session

HOUSE BILL NO. 190

BY REPRESENTATIVE DWIGHT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/SENTENCING: Provides relative to the sheriff's statement indicating the amount of time a defendant has spent in custody prior to conviction

## 1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 892(A) and (B)(2), relative to  
3 post-sentence statements by sheriffs; to provide relative to statements prepared by  
4 the sheriff indicating the amount of time a defendant has spent in custody prior to  
5 conviction; to provide for the cases in which such statements must be prepared; to  
6 provide with respect to the duties of the clerk of court relative to the sheriff's  
7 statement and other documents; to provide relative to the dissemination of the  
8 sheriff's statement and other documents; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Code of Criminal Procedure Article 892(A) and (B)(2) are hereby  
11 amended and reenacted to read as follows:

12 Art. 892. Post-sentence statement by sheriff; accompanying documents

13 A. The sheriff shall prepare a statement indicating the amount of time a  
14 defendant has spent in custody prior to conviction when ~~such~~ the defendant has been  
15 convicted of a felony and is committed to the Department of Public Safety and  
16 Corrections, has been convicted of a misdemeanor and sentenced for a term of one  
17 year or more to any penal institution, or has been ordered committed to any mental  
18 institution or mental hospital. The sheriff shall retain a copy of the statement and  
19 submit the original to the ~~officer-in-charge~~ sheriff of the ~~institution or department~~  
20 parish to which the defendant is sentenced.

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(2) The clerk shall retain a copy of the statement and documents and send the original to the ~~officer in charge~~ sheriff of the ~~department or penal institution~~ parish to which the defendant has been sentenced, where they shall be preserved. The documents, or copies thereof, shall be made available to the governor, the pardon board, and the parole committee.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 190 Engrossed

2017 Regular Session

Dwight

**Abstract:** Provides relative to the statement prepared by the sheriff indicating the amount of time a defendant has spent in custody prior to conviction and provides relative to the duties of the clerk of court relative to this statement and other documents.

Present law requires the sheriff to prepare a statement indicating the amount of time a defendant has spent in custody prior to conviction when the defendant is committed to the Dept. of Public Safety and Corrections, sentenced for a term of one year or more to any penal institution, or ordered committed to any mental institution or mental hospital.

Proposed law amends present law to provide that the sheriff's statement shall be prepared when any of the following occur:

- (1) The defendant has been convicted of a felony and is committed to the Dept. of Public Safety and Corrections.
- (2) The defendant has been convicted of a misdemeanor and sentenced for a term of one year or more to any penal institution.
- (3) The defendant has been convicted and ordered committed to any mental institution or mental hospital.

Present law requires the sheriff to retain a copy of the statement and submit the original to the officer in charge of the institution or department to which the defendant is sentenced.

Proposed law amends present law to require the sheriff to retain a copy and submit the original to the sheriff of the parish to which the offender is sentenced.

Present law provides that when a sheriff's statement is required pursuant to the provisions of present law, the clerk of court shall also retain a copy of the sheriff's statement and prepare certain documents to be sent to the officer in charge of the department or penal institution to which the defendant has been sentenced, where they shall be preserved.

Proposed law amends present law to provide that the clerk of court shall send the statement and documents to the sheriff of the parish to which the offender is sentenced.

(Amends C.Cr.P. Art. 892(A) and (B)(2))