

2017 Regular Session

HOUSE BILL NO. 204

BY REPRESENTATIVE BILLIOT

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 883.1 and 892(A) and (B)(1),  
3 relative to criminal sentences; to provide for documentation regarding criminal  
4 cases; to remove the requirement that the court provide a copy of the court minutes  
5 to the Department of Public Safety and Corrections in certain cases; to require the  
6 court to provide the department with a certified copy of the Uniform Sentencing  
7 Commitment Order; to authorize the department to request additional information  
8 from the court when necessary; to provide for an effective date; and to provide for  
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Code of Criminal Procedure Articles 883.1 and 892(A) and (B)(1) are  
12 hereby amended and reenacted to read as follows:

13 Art. 883.1. Sentences concurrent with sentences of other jurisdictions

14 A. The sentencing court may specify that the sentence imposed be served  
15 concurrently with a sentence imposed by a federal court or a court of any other state  
16 and that service of the concurrent terms of imprisonment in a federal correctional  
17 institution or a correctional institution of another state shall be in satisfaction of the  
18 sentence imposed in this state in the manner and to the same extent as if the  
19 defendant had been committed to the ~~Louisiana~~ Department of Public Safety and  
20 Corrections for the term of years served in a federal correctional institution or a  
21 correctional institution of another state. When serving a concurrent sentence in a  
22 federal correctional institution or a correctional institution of another state, the  
23 defendant shall receive credit for time served as allowed under the laws of this state.

1 B. Whenever sentence is imposed under the provisions of this Article, the  
 2 court shall order that the defendant be remanded to the custody of the sheriff of the  
 3 parish in which the ~~conviction was had~~ defendant was convicted in the event that the  
 4 terms of imprisonment to which the defendant is sentenced in the foreign jurisdiction  
 5 terminates prior to the date on which the sentence imposed in this state is to  
 6 terminate. If the defendant completes the term of imprisonment during his  
 7 incarceration in the other jurisdiction, the department shall forward a copy of the  
 8 discharge papers to the sheriff in the parish of conviction and to the appropriate  
 9 authorities having physical custody of the defendant.

10 C. In every case where a sentence at hard labor is imposed under the  
 11 provisions of this Article, the court shall order that a certified copy of the ~~court~~  
 12 ~~minutes and court order~~ Uniform Sentencing Commitment Order in the format  
 13 authorized by the Louisiana Supreme Court be forwarded to the ~~Louisiana~~  
 14 Department of Public Safety and Corrections. If the department needs information  
 15 relating to the sentence not provided in the Uniform Sentencing Commitment Order,  
 16 it may request that information from the court. ~~Should the defendant complete his~~  
 17 ~~term of imprisonment during his incarceration in the other jurisdiction, the~~  
 18 ~~department shall forward a copy of the discharge papers to the sheriff in the parish~~  
 19 ~~of conviction and to the appropriate authorities having physical custody of the~~  
 20 ~~defendant.~~

21 \* \* \*

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

23 A. The sheriff shall prepare a statement indicating the amount of time a  
 24 defendant has spent in custody prior to conviction when such defendant is committed  
 25 to the Department of Public Safety and Corrections, sentenced for a term of one year  
 26 or more to any penal institution, or ordered committed to any mental institution or  
 27 mental hospital. The sheriff shall retain a copy of the statement and submit the  
 28 original to the officer in charge of the institution or department to which the  
 29 defendant is sentenced.

1 B.(1) When a sheriff's statement is required pursuant to Paragraph A of this  
2 Article, the clerk of court shall also prepare the following documents:

3 (a) A copy of the indictment under which the defendant was convicted.

4 (b) ~~A copy of the sentence as recorded in the minutes of the court.~~

5 (c) A copy of the Uniform Sentencing Commitment Order in the format  
6 authorized by the Louisiana Supreme Court which shall include the name and  
7 address of the judge, the district attorney, and the defense attorney who participated  
8 in the sentencing trial. If the department needs information relating to the sentence  
9 not provided in the Uniform Sentencing Commitment Order, it may request that  
10 information from the court.

11 \* \* \*

12 Section 2. The provisions of this Act shall become effective on December 1, 2017.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_