
DIGEST

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HB 493 Engrossed

2021 Regular Session

Pressly

Abstract: Adds possession of a firearm or carrying of a concealed weapon after having been convicted previously of a crime of violence to the offenses that effect the calculation of diminution of sentences.

Present law provides that unless otherwise prohibited, every offender in the custody of the Dept. of Public Safety and Corrections who has been convicted of a felony may earn, in lieu of incentive wages, a diminution of sentence by good behavior and performance of work, or self improvement activities, or both.

Present law also provides that unless otherwise prohibited, the diminution of sentences under present law shall be calculated at a rate of 13 days for every 7 days in actual custody served on the imposed sentence.

Present law further provides that present law shall be applicable to those offenders convicted of offenses on or after Jan. 1, 1992, and who are not serving a sentence for the following:

- (1) A sex offense as defined in R.S. 15:541.
- (2) A crime of violence as defined in R.S. 14:2(B).
- (3) Any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

Proposed law retains present law and adds that an offender serving a sentence for possession of a firearm or carrying of a concealed weapon in violation of R.S. 14:95.1 after having been convicted previously of a crime of violence as defined in R.S. 14:2(B) is not eligible for diminution of sentence at the rate of 13 days for every 7 days in actual custody served on the imposed sentence.

Present law provides that when convicted of a crime of violence without prior conviction of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, the rate at which the diminution of the sentence shall be calculated is one day for every three days in actual custody held on the imposed sentence.

Proposed law retains present law and adds that when convicted of a crime of violence without a prior conviction of possession of a firearm or carrying of a concealed weapon in violation of R.S. 14:95.1 after having been convicted previously of a crime of violence as defined in R.S. 14:2(B), the rate at

which the diminution of the sentence shall be calculated is one day for every three days in actual custody held on the imposed sentence.

Present law also provides that the calculation of diminution of sentence at the rate of one day for every three days is not applicable when the instant offense is listed as both a crime of violence and a sex offense.

Proposed law adds that when the instant offense is listed as possession of a firearm or carrying of a concealed weapon in violation of R.S. 14:95.1 after having been convicted previously of a crime of violence as defined in R.S. 14:2(B) the offender is not eligible for the one day for every three day rate of diminution of sentence.

(Amends R.S. 15:571.3(B)(2)(a) and (b); Adds R.S. 15:571.3(B)(1)(b)(iv))