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AN ACT

To amend and reenact Code of Criminal Procedure Art. 890.1(D) and to enact R.S. 15:529.1(A)(5), relative to crimes of violence; to provide relative to minimum mandatory sentences for crimes of violence; to prohibit the waiver of minimum mandatory sentences for all crimes of violence; to provide an additional penalty for a second or subsequent offense when the offender has a criminal history including a crime of violence or sex offense; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 890.1(D) is hereby amended and reenacted to read as follows:

Art. 890.1. Waiver of minimum mandatory sentences; procedure; exceptions

\* \* \*

D. The provisions of this Article shall not apply to a sex offense as defined in R.S. 15:541 or to any of the following crimes **crime** of violence **as defined in R.S. 14:2(B).**:

- (1) ~~R.S. 14:28.1 (Solicitation for murder).~~
- (2) ~~R.S. 14:30 (First degree murder).~~
- (3) ~~R.S. 14:30.1 (Second degree murder).~~
- (4) ~~R.S. 14:31 (Manslaughter).~~
- (5) ~~R.S. 14:34.6 (Disarming of a peace officer).~~
- (6) ~~R.S. 14:34.7 (Aggravated second degree battery).~~
- (7) ~~R.S. 14:37.1 (Assault by drive-by shooting).~~
- (8) ~~R.S. 14:37.4 (Aggravated assault with a firearm).~~
- (9) ~~R.S. 14:42 (Aggravated or first degree rape).~~

- 1                    ~~(10) R.S. 14:42.1 (Forcible or second degree rape):~~
- 2                    ~~(11) R.S. 14:43 (Simple or third degree rape):~~
- 3                    ~~(12) R.S. 14:43.1 (Sexual battery):~~
- 4                    ~~(13) R.S. 14:43.2 (Second degree sexual battery):~~
- 5                    ~~(14) R.S. 14:43.5 (Intentional exposure to AIDS virus):~~
- 6                    ~~(15) R.S. 14:44 (Aggravated kidnapping):~~
- 7                    ~~(16) R.S. 14:44.1 (Second degree kidnapping):~~
- 8                    ~~(17) R.S. 14:46.2 (Human trafficking):~~
- 9                    ~~(18) R.S. 14:46.3 (Trafficking of children for sexual purposes):~~
- 10                   ~~(19) R.S. 14:51 (Aggravated arson):~~
- 11                   ~~(20) R.S. 14:62.8 (Home invasion):~~
- 12                   ~~(21) R.S. 14:64 (Armed robbery):~~
- 13                   ~~(22) R.S. 14:64.4 (Second degree robbery):~~
- 14                   ~~(23) R.S. 14:64.3 (Armed robbery; use of firearm):~~
- 15                   ~~(24) R.S. 14:64.2 (Carjacking):~~
- 16                   ~~(25) R.S. 14:78.1 (Aggravated incest):~~
- 17                   ~~(26) R.S. 14:93.2.3 (Second degree cruelty to juveniles):~~
- 18                   ~~(27) R.S. 14:128.1 (Terrorism):~~
- 19                   ~~(28) R.S. 14:34 (Aggravated battery):~~
- 20                   ~~(29) R.S. 14:37 (Aggravated assault):~~
- 21                   ~~(30) R.S. 14:34.1 (Second Degree Battery)~~
- 22                   ~~(31) R.S. 14:35.3 (Domestic Abuse Battery)~~
- 23                   ~~(32) R.S. 14:40.2 (Stalking)~~
- 24                   ~~(33) R.S. 14:64.1 (First Degree Robbery)~~
- 25                   ~~(34) R.S. 14:32.5 (Feticide)~~

\* \* \*

Section 2. R.S. 15:529.1(A)(5) is hereby enacted to read as follows:

§529.1. Sentences for second and subsequent offenses; certificate of warden or clerk  
of court in the state of Louisiana as evidence

A. \* \* \*

1                    (5) In addition to the penalties provided in Paragraph (A)(1) through (4)  
 2                    of this Section, and unless the offender is sentenced to life imprisonment, if the  
 3                    instant felony and any prior felony is either a crime of violence as defined in  
 4                    R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, the offender shall be  
 5                    imprisoned at hard labor for an additional period of five years without benefit  
 6                    of probation or suspension of sentence, to be served consecutively to the  
 7                    sentence imposed pursuant to Paragraph (A)(1) through (4) of this Section.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

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

**VETO MESSAGE:**

"Please allow this letter to inform you that I have vetoed Senate Bill 142 of the 2022 Regular Session.

If enacted, this bill would eliminate the discretion the courts, prosecutors, and criminal defendants currently have to enter into negotiated plea agreements and post-conviction sentencing agreements for certain crimes of violence that would allow a sentence to be imposed that is less than the minimum term of confinement provided for by the penalty provisions for those offenses.

Further, the bill seeks to provide for an enhancement of the enhanced penalties already provided for in the habitual offender law for convictions of crimes of violence and sex offenses. For these reasons, Senate Bill 142 will not become law."