

RÉSUMÉ DIGEST

HB 188

2023 Regular Session

Frieman

Proposed law would have allowed a district attorney to allege that a person was a dangerous offender when an information was filed that accused that person of a previous conviction pursuant to present law.

Proposed law would have required a court to hold a hearing to determine whether a person was a dangerous offender. Would have further provided that if a court concluded that a person was a dangerous offender, the court was authorized to order that the sentence imposed be served without benefit of probation, suspension of sentence, or parole until 85% of the sentence was served.

Proposed law would have authorized a person to be alleged as a dangerous offender if he had been previously convicted of committing, attempting to commit, or conspiring to commit any of the following offenses:

- (1) A crime of violence as defined in present law.
- (2) A sex offense as defined in present law.
- (3) The production, manufacture, or distribution of any controlled dangerous substance listed in Schedules I or II of the Uniform Controlled Dangerous Substance Law other than marijuana.
- (4) A violation of the La. Racketeering Act.
- (5) A violation of the La. Street Terrorism Enforcement and Prevention Act.

Proposed law would have required a court to consider all of the following circumstances in determining whether a person was a dangerous offender:

- (1) The factors enumerated in Code of Criminal Procedure Article 894.1(B).
- (2) The nature and extent of any prior delinquent or criminal history.
- (3) The success or failure of any previous attempts to rehabilitate the defendant.
- (4) The defendant's conduct while previously incarcerated or on probation or parole.
- (5) Any other facts a court deemed relevant.

Proposed law would have provided that if a court ordered that the sentence imposed was to be served without the benefit of parole, probation, or suspension of sentence, a court would have been required to state for the record the considerations taken into account and the factual basis for its determination.

Proposed law would not have applied to any sentence which was already designated to be served without parole, probation, or suspension of sentence.

(Proposed to add R.S. 15:529.3)

VETO MESSAGE:

"House Bill 188 allows the district attorney to compel the court to determine whether a defendant is a "dangerous offender" when filing a bill of information. Such piece of legislation is unnecessary as provisions governing the calculation of sentences and parole eligibility based on one's prior history of felony convictions exists in current law.

Therefore, House Bill 188 is not needed and it should not become law."