

2024 Regular Session

HOUSE BILL NO. 269

BY REPRESENTATIVE MUSCARELLO

CRIME: Provides relative to the crime of simple escape while participating in a home incarceration program

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 611(C) and R.S. 14:110(A)(2),
3 (B)(3), and (E) and to enact Code of Criminal Procedure Article 611(E) and R.S.
4 14:110(A)(4), relative to the crime of simple escape; to provide relative to venue; to
5 provide for an alternative element of the offense; to provide for a violation of this
6 offense; to provide relative to a penalty; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 611(C) is hereby amended and
9 reenacted and Code of Criminal Procedure Article 611(E) is hereby enacted to read as
10 follows:

11 Art. 611. Venue; trial where offense committed

12 * * *

13 C. If the offender is charged with any of the following offenses, the offense
14 is deemed to have been committed either in the parish where the offense occurred or
15 where the victim resides:

16 (1) ~~R.S. 14:67.3, unauthorized use of an access card.~~

17 (2) R.S. 14:67.16, identity theft.

18 (3) (2) R.S. 14:70.4, access device fraud.

19 (4) (3) R.S. 14:70.8, illegal transmission of monetary funds.

20 (5) (4) R.S. 14:71.1, bank fraud.

1 facilities under the control of the ~~sheriffs~~ law enforcement of the respective parishes
 2 of the state of Louisiana. The prison facilities shall include but are not limited to
 3 parish jails, correctional centers, home incarceration, work release centers, and
 4 rehabilitation centers, hospitals, clinics, and any and all facilities where inmates are
 5 confined under the jurisdiction and control of the ~~sheriffs~~ law enforcement of the
 6 respective parishes.

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)]

HB 269 Engrossed

2024 Regular Session

Muscarello

Abstract: Provides relative to the crime of simple escape.

Present law (C.Cr.P. Art. 611) provides that the venue for a trial is where the offense is committed.

Proposed law retains present law.

Present law provides that if the offender is charged with certain offenses, the offense is deemed to have been committed either in the parish where the offense occurred or where the victim resides.

Proposed law amends present law to remove the defunct crime of unauthorized use of an access card.

Proposed law provides that if the offender is charged with a violation of present law (R.S. 14:110), the offense is deemed to have been committed in either of the following:

- (1) The parish of the court that ordered or sentenced home incarceration, confinement, or any other legal restraint.
- (2) The parish where any act or element occurs in violation of present law (R.S. 14:110).

Present law (R.S. 14:110) provides for the offenses of simple and aggravated escape.

Proposed law retains present law.

Proposed law amends present law to change a term name from sheriffs of the respective parishes to law enforcement of the respective parishes.

Proposed law amends the present law offense of simple escape to provide for an additional element that involves the intentional alteration, destruction, removal, or disabling of electronic monitoring equipment while participating in a home incarceration program.

Present law provides that a person participating in a home incarceration program under the jurisdiction and control of the sheriffs of the respective parishes who commits the crime of simple escape shall be imprisoned with or without hard labor for not less than six months

nor more than five years, and such sentence shall not run concurrently with any other sentence.

Proposed law amends present law to provide that a person who intentionally alters, destroys, removes, or disables electronic monitoring equipment while participating in a home incarceration program shall be imprisoned with or without hard labor for not less than six months nor more than five years, and such sentence shall not run concurrently with any other sentence.

Proposed law provides that it shall be a violation of proposed law if the offense is committed within the parish of the court which ordered the home incarceration or in the parish where the defendant resides or is physically located.

(Amends C.Cr.P. Art. 611(C) and R.S. 14:110(A)(2), (B)(3), and (E); Adds C.Cr.P. Art. 611(E) and R.S. 14:110(A)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Remove the offenses of simple escape and aggravated escape from the venue provisions of present law that state that the offense is deemed to have been committed either in the parish where the offense occurred or where the victim resides.
3. Provide that if an offender is charged with a violation of simple or aggravated escape, the offense is deemed to have been committed in either of the following:
 - (a) The parish of the court that ordered or sentenced home incarceration, confinement, or any other legal restraint.
 - (b) The parish where any act or element occurs in violation of present law (R.S. 14:110).
4. Remove proposed law from the present law crime of simple escape that provides for venue dependent on where the offense occurs.
5. Remove the condition that the home incarceration program being violated has to be under the jurisdiction and control of law enforcement of the respective parishes.