

2025 Regular Session

HOUSE BILL NO. 68

BY REPRESENTATIVE WALTERS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/SENTENCING: Provides relative to sentencing for certain defendants

1 AN ACT

2 To enact Code of Criminal Procedure Articles 881.1(A)(5) and 890.4, relative to sentencing
3 for certain defendants; to provide relative to a motion to reconsider sentence; to
4 provide for criteria; to provide for sentencing ranges; to provide for an effective date;
5 to provide for the filing of motions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Articles 881.1(A)(5) and 890.4 are hereby
8 enacted to read as follows:

9 Art. 881.1. Motion to reconsider sentence

10 A.

11 * * *

12 (5)(a) Notwithstanding any other provision of law to the contrary, a
13 defendant who meets the criteria of Article 890.4(A) who has been sentenced to
14 death or is serving a life sentence for a first conviction of a capital felony may file
15 a motion to reconsider the sentence at any time on or after the effective date of this
16 Act.

17 (b) In determining whether to order an evidentiary hearing, the court shall
18 use the same standard as provided in Article 930. An evidentiary hearing shall not
19 be ordered if the state and the defendant agree on the factual basis for the motion.

20 * * *

1 Art. 890.4. Sentencing for certain defendants

2 A. Notwithstanding any other provision of law to the contrary, a defendant
3 shall be sentenced in accordance with Paragraph B of this Article if all of the
4 following are established by clear and convincing evidence:

5 (1) The maximum term of imprisonment for the instant offense is either
6 death or life imprisonment at hard labor without benefit of parole, probation, or
7 suspension of sentence.

8 (2) The defendant has no prior criminal convictions.

9 (3) The defendant has displayed one or more symptoms of a nonsevere
10 mental or behavioral health challenge. Such symptoms may include but are not
11 limited to anxiety, depression, or excessive stress.

12 (4) The defendant has displayed symptoms of extenuating gynecological
13 conditions. Such symptoms may include but are not limited to fibroids,
14 endometriosis, or inflammation.

15 B. If the defendant meets the criteria set forth in Paragraph A of this Article,
16 the sentencing range shall be as follows:

17 (1) If the defendant was twenty-one years of age or older at the time of the
18 commission of the offense, the maximum sentence shall be not more than fifty years.

19 (2) If the defendant had not attained the age of twenty-one years at the time
20 of the commission of the offense, the maximum sentence shall be not more than
21 sixty-five years.

22 (3) If the defendant, regardless of age, was convicted of an attempt to
23 commit an offense as provided in R.S. 14:27(D), the maximum sentence shall be
24 one-half of the maximum sentence for a conviction of an attempt to commit the
25 offense.

26 C.(1) A defendant may file a motion to be sentenced under this Article at any
27 time before sentencing. The court shall determine, at the sentencing hearing,
28 whether the defendant has established the criteria set forth in Paragraph A of this
29 Article. If the state and defendant agree that the criteria set forth in Paragraph A has

1 been met, the court may sentence the defendant under the sentencing range provided
 2 in Paragraph B of this Article without hearing additional evidence related to the
 3 applicability of this Article.

4 (2) A defendant who has been sentenced before the effective date of this Act
 5 may file a motion to reconsider sentence under Article 881.1(A)(5) at any time on
 6 or after the effective date of this Act and shall be resentenced no later than December
 7 31, 2025.

8 Section 2. The provisions of this Act shall be known as "The Two Chains Act".

9 Section 3. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 effective on the day following such approval.

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 68 Original

2025 Regular Session

Walters

Abstract: Provides relative to sentencing for certain defendants.

Present law (C.Cr.P. Art. 881.1) provides for a motion to reconsider sentence.

Proposed law retains present law generally.

Proposed law provides that a defendant who meets the criteria of proposed law who has been sentenced to death or is serving a life sentence for a first conviction of a capital felony may file a motion to reconsider the sentence at any time on or after the effective date of proposed law.

Proposed law provides that in determining whether to order an evidentiary hearing, the court shall use the same standard as provided in present law (C.Cr.P. Art. 930). Further provides that an evidentiary hearing shall not be ordered if the state and the defendant agree on the factual basis for the motion.

Proposed law provides that a defendant shall be sentenced in accordance with proposed law if all of the following are established by clear and convincing evidence:

- (1) The maximum term of imprisonment for the instant offense is either death or life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

- (2) The defendant has no prior criminal convictions.
- (3) The defendant has displayed one or more symptoms of a nonsevere mental or behavioral health challenge. Such symptoms may include but are not limited to anxiety, depression, or excessive stress.
- (4) The defendant has displayed symptoms of extenuating gynecological conditions. Such symptoms may include but are not limited to fibroids, endometriosis, or inflammation.

Proposed law provides that if the defendant meets the criteria set forth in proposed law, the sentencing range shall be as follows:

- (1) If the defendant was 21 years of age or older at the time of the commission of the offense, the maximum sentence shall be not more than 50 years.
- (2) If the defendant had not attained the age of 21 years at the time of the commission of the offense, the maximum sentence shall be not more than 65 years.
- (3) If the defendant, regardless of age, was convicted of an attempt to commit an offense as provided in present law (R.S. 14:27(D)), the maximum sentence shall be 1/2 of the maximum sentence for a conviction of an attempt to commit the offense.

Proposed law provides that a defendant may file a motion to be sentenced under proposed law at any time before sentencing. Further provides that the court shall determine, at the sentencing hearing, whether the defendant has established the criteria set forth in proposed law.

Proposed law provides that if the state and defendant agree that the criteria set forth in proposed law has been met, the court may sentence the defendant under the sentencing range provided in proposed law without hearing additional evidence related to the applicability of proposed law.

Proposed law provides that a defendant who has been sentenced before the effective date of proposed law may file a motion to reconsider sentence under proposed law at any time on or after the effective date of proposed law and shall be resentenced no later than Dec. 31, 2025.

Proposed law shall known as "The Two Chains Act".

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds C.Cr.P. Arts. 881.1(A)(5) and 890.4)