
DIGEST

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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)