
DIGEST

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HB 79 Original

2025 Regular Session

Bacala

Abstract: Provides relative to the applicability of firearm sentencing provisions to plea agreements.

Present law (C.Cr.P. Art. 893.2) provides for a determination as to whether a firearm was discharged, used, or actually possessed during the commission of a felony or a specifically enumerated misdemeanor.

Proposed law retains present law and provides that if a motion was filed by the state in compliance with present law (C.Cr.P. Art. 893.1) and the case is resolved pursuant to a plea agreement, the district attorney and the defendant may stipulate that the provisions of present law (C.Cr.P. Art. 893.3) are applicable.

Proposed law provides that any such stipulation shall identify for the court all of the following:

- (1) The specific provision of present law (C.Cr.P. Art. 893.3) that applies.
- (2) The specific underlying felony or specifically enumerated misdemeanor within present law (C.Cr.P. Art. 893.3) that applies.

Present law (C.Cr.P. Art. 893.3) provides for the imposition of various criminals sentences based on the felony or specifically enumerated misdemeanor in which a firearm was actually possessed, used, or discharged.

Proposed law retains present law and adds plea agreements that include a stipulation pursuant to proposed law (C.Cr.P. Art. 893.2(B)).

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

(Amends C.Cr.P. Arts. 893.2 and 893.3(A)-(D) and (E)(1)(a))