
DIGEST

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Lopinto

HB No. 1068

Abstract: Provides for deviation from minimum mandatory sentences in certain cases.

Present law provides that sentences for certain offenses shall be served without benefit of parole, probation, or suspension of sentence (minimum mandatory sentences).

Proposed law provides that if a felony or misdemeanor specifies a sentence with a minimum term of confinement or a mandatory minimum fine, or that a sentence shall be served without benefit of parole, probation, or suspension of sentence, the court, upon conviction, in sentencing the offender shall impose the sentence as provided in the penalty provisions for that offense unless one of the following occurs:

- (1) The defendant pled guilty pursuant to a negotiated plea agreement with the prosecution and the court, which specifies that the sentence shall be served with benefit of parole, probation, or suspension of sentence or specifies a reduced fine or term of confinement.
- (2) In cases resulting in trial, the prosecution, the defendant, and the court entered into a post-conviction agreement, which specifies that the sentence shall be served with benefit of parole, probation, or suspension of sentence or specifies a reduced fine or term of confinement.

Proposed law provides that if such agreements are entered into between the prosecution and the defendant, then the court, at sentencing, shall not impose a lesser term of imprisonment, lesser fine, or lesser period of sentence served without benefit of parole, probation, or suspension of sentence than that expressly provided for under the terms of the plea or post-conviction agreement.

Proposed law provides that no agreement shall provide for parole eligibility earlier than provided by present law.

Proposed law shall not apply to sentences for convictions of sex offenses or crimes of violence.

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

(Adds C.Cr.P. Art. 890.1)