

Regular Session, 2013

HOUSE CONCURRENT RESOLUTION NO. 12

BY REPRESENTATIVE SMITH

A CONCURRENT RESOLUTION

To express the intent of the legislature regarding Act No. 181 of the 2012 Regular Session of the Legislature.

WHEREAS, R.S. 24:177(B)(2)(b) provides that the "legislature may express the intended meaning of a law in a duly adopted concurrent resolution, by the same vote and, except for gubernatorial veto and time limitations for introduction, according to the same procedures and formalities required for enactment of that law"; and

WHEREAS, during the 2012 Regular Session of the Legislature of Louisiana, Act No. 181 was enacted into law and authorized habitual offenders, in the custody of the Department of Public Safety and Corrections, who were not convicted of a crime of violence as defined in R.S. 14:2 or a sex offense as defined in R.S. 15:541, to earn additional good time for participation in certified treatment and rehabilitation programs; and

WHEREAS, Act No. 181 of the 2012 Regular Session of the Legislature, which took effect on August 1, 2012, does not specifically state whether the legislation may be applied to only those offenders who were sentenced as an habitual offender on or after August 1, 2012, or whether it also applies to any offender who was previously "sentenced as an habitual offender" and who was "in the custody of the Department of Public Safety and Corrections" on August 1, 2012, the date that Act No. 181 took effect.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby express its intent regarding the application of Act No. 181 of the 2012 Regular Session of the Legislature to mean that those offenders sentenced as an habitual offender and ordered to the custody of the Department of Public Safety and Corrections on or after August 1, 2012, and also those offenders who were sentenced prior to August 1, 2012, and who were in the custody of the Department of Public Safety and Corrections on August 1, 2012, shall be eligible to earn additional good time for participation in certified treatment and

rehabilitation programs pursuant to Act No. 181 of the 2012 Regular Session of the Legislature.

BE IT FURTHER RESOLVED that the legislature hereby authorizes the secretary of the Department of Public Safety and Corrections to establish and promulgate rules, regulations, and procedures for the implementation of Act No. 181 of the 2012 Regular Session of the Legislature consistent with the intent set forth in this House Concurrent Resolution.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE