

Regular Session, 2014

SENATE BILL NO. 380

BY SENATORS LAFLEUR AND MURRAY

CRIME/PUNISHMENT. Provides relative to mandatory minimum sentences. (8/1/14)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 890.1(D), relative to sentencing;  
3 to provide relative to waiver of mandatory minimum sentences; and to provide for  
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 890.1(D) is hereby amended and  
7 reenacted to read as follows:

8 Art. 890.1. Waiver of minimum mandatory sentences; procedure; exceptions

9 \* \* \*

10 D. Nothing in this Article shall apply to a ~~crime of violence as defined in R.S.~~  
11 ~~14:2(B) or a sex offense as defined in R.S. 15:541~~ **the following offenses:**

12 **(1) R.S. 14:28.1, solicitation for murder.**

13 **(2) R.S. 14:30, first degree murder.**

14 **(3) R.S. 14:30.1, second degree murder.**

15 **(4) R.S. 14:31, manslaughter.**

16 **(5) R.S. 14:34.6, disarming of a peace officer.**

17 **(6) R.S. 14:34.7, aggravated second degree battery.**

- 1                   **(7) R.S. 14:37.1, assault by drive-by shooting.**
- 2                   **(8) R.S. 14:37.4, aggravated assault with a firearm.**
- 3                   **(9) R.S. 14:42, aggravated rape.**
- 4                   **(10) R.S. 14:42.1, forcible rape.**
- 5                   **(11) R.S. 14:43, simple rape.**
- 6                   **(12) R.S. 14:43.1, sexual battery.**
- 7                   **(13) R.S. 14:43.2, second degree sexual battery.**
- 8                   **(14) R.S. 14:43.5, intentional exposure to AIDS virus.**
- 9                   **(15) R.S. 14:44, aggravated kidnapping.**
- 10                  **(16) R.S. 14:44.1, second degree kidnapping.**
- 11                  **(17) R.S. 14:46.2, human trafficking.**
- 12                  **(18) R.S. 14:46.3, trafficking of children for sexual purposes.**
- 13                  **(19) R.S. 14:51, aggravated arson.**
- 14                  **(20) R.S. 14:62.8, home invasion.**
- 15                  **(21) R.S. 14:64, armed robbery.**
- 16                  **(22) R.S. 14:64.2, carjacking.**
- 17                  **(23) R.S. 14:64.3, armed robbery using a firearm.**
- 18                  **(24) R.S. 14:64.4, second degree robbery.**
- 19                  **(25) R.S. 14:78.1, aggravated incest.**
- 20                  **(26) R.S. 14:93.2.3, second degree cruelty to juveniles.**
- 21                  **(27) R.S. 14:128.1, terrorism.**

\* \* \*

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

---

DIGEST

LaFleur (SB 380)

Present law provides relative to the waiver of mandatory minimum sentences under certain circumstances. Present law further provides that the provisions of present law allowing waiver of mandatory minimum sentences do not apply to any crime of violence as defined in present law or to a sex offense as defined in present law.

Proposed law changes present law so that only the following present law crimes of violence are excluded from the present law waiver provisions:

- (1) Solicitation for murder.
- (2) First degree murder.
- (3) Second degree murder.
- (4) Manslaughter.
- (5) Disarming of a peace officer.
- (6) Aggravated second degree battery.
- (7) Assault by drive-by shooting.
- (8) Aggravated assault with a firearm.
- (9) Aggravated rape.
- (10) Forcible rape.
- (11) Simple rape.
- (12) Sexual battery.
- (13) Second degree sexual battery.
- (14) Intentional exposure to AIDS virus.
- (15) Aggravated kidnapping.
- (16) Second degree kidnapping.
- (17) Human trafficking.
- (18) Trafficking of children for sexual purposes.
- (19) Aggravated arson.
- (20) Home invasion.
- (21) Armed robbery.
- (22) Carjacking.
- (23) Armed robbery using a firearm.
- (24) Second degree robbery.
- (25) Aggravated incest.
- (26) Second degree cruelty to juveniles.
- (27) Terrorism.

Proposed law otherwise retains present law.

Effective August 1, 2014.

(Amends C.Cr.P. Art. 890.1(D))