

Regular Session, 2014

SENATE BILL NO. 396

BY SENATOR MILLS

CRIME/PUNISHMENT. Provides for judge's discretion in sentencing nonviolent offenders.
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AN ACT

To enact Chapter 4 of Title XXX of the Code of Criminal Procedure, to be comprised of Article 906, relative to sentencing of criminal defendants; to provide for sentencing of nonviolent offenders at discretion of the court; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 4 of Title XXX of the Code of Criminal Procedure, to be comprised of Article 906, is hereby enacted to read as follows:

CHAPTER 4. LOUISIANA NONVIOLENT CRIMINAL REFORM ACT

Art. 906. Sentencing nonviolent offenders at discretion of court

A. This Article shall be known and may be cited as the "Louisiana Nonviolent Criminal Reform Act".

B. Notwithstanding any other provision of law to the contrary, the sentencing of the defendant, other than a defendant convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, shall be at the sole discretion of the court. However, in no case shall the sentence imposed exceed the maximum sentence set forth in the statute under which the defendant was convicted.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

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

DIGEST

Mills (SB 396)

Present law provides certain mandatory minimum sentences for certain present law crimes.

Proposed law provides that, notwithstanding any other provision of present law to the contrary, the sentencing of a defendant, other than a defendant convicted of a "crime of violence" or a "sex offense" as defined in present law, is at the sole discretion of the court.

Proposed law further provides that in no case can the sentence imposed exceed the maximum sentence set forth in present law under which the defendant was convicted.

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

(Adds C.Cr.P. Art. 906)