



**2024 LEGISLATIVE LEGAL SEMINAR
DECEMBER 6, 2024**

CRIME SESSION SUMMARY and 2024 REGULAR SESSION SUMMARY

**DEBBIE VILLIO, LOUISIANA STATE REPRESENTATIVE #79
CHAIRWOMAN, ADMINISTRATION OF CRIMINAL JUSTICE**





2024 LEGISLATIVE LEGAL SEMINAR
DECEMBER 6, 2024

2024 Special Crime Session Summary





SBI (MIGUEZ) ACT I (7/4/24)

Amends 14:95 to authorize any person 18+ and who is otherwise not a prohibited person to carry a concealed firearm.

- **Restricted zone prohibitions.**
- **Private property restrictions.**
- **Civil immunities for permit holders/LEOs. See ACT 2.**





SB9 (MIZELL) ACT 3 (3/5/24)

Expands prescriptive periods for sex offenses beyond any expiration upon the discovery of new photographic or video evidence.

Expands limitations on commencement of prosecution similarly.





SB9 (MIZELL) ACT 3 (3/5/24)

Expands prescriptive periods for sex offenses beyond any expiration upon the discovery of new photographic or video evidence.

Expands limitations on commencement of prosecution similarly.





HB3 (BUTLER) ACT 4 (7/1/24)

- Drug testing – drug courts.
 - Art. 320 - bail
 - Art. 893 – suspension of sentence
 - Art. 904 – drug court procedures
 - 13:5304 – drug court procedures
 - 15:529.1 – habitual offender application
- Shared “gatekeeper” role? 13:5304(B)(1) still in play.
- Opioid abatement funding authority.





HB6 (MUSCARELLO) ACT 5 (7/1/24)

- **Expands methods of execution to include Nitrogen Hypoxia (retains electrocution and lethal injection).**
- **Creates significant protections and reporting exemptions for all vendors involved in supplying any drugs, equipment, or supplies.**
- **Counseling availability.**





HB9 (VILLIO) ACT 6 (8/1/24)

Provides relative to parole.

- Added R.S. 15:574.22; No person committed to DOC for an **offense committed on or after August 1, 2024**, shall be eligible for parole except for provisions of R.S. 15:574.4(D), (E), (F), (G), (H), (J) or (K).
 - D/E/F/G: Miller/Montgomery
 - H: '73-'79 "Disco Lifers"
 - J: 18 & under "Virtual Lifers"
 - K: "10/6" Lifers





HB10 (VILLIO) ACT 7 (8/1/24)

Provides relative to diminution of sentence.

- Applies to crimes committed on or after 8/1/24.
- Limits Diminution of Sentence (Good Time) that a person can receive to a maximum of 15% of sentence imposed.
- **Exceptions:**
 - sex offenses, R.S. 15:541
 - habitual offenders, R.S. 15:529.1





ACT 7 CONT'D

- Retains ability to earn additional diminution of sentence as provided in R.S. 15:828, except for a person convicted of a sex offense in R.S. 15:541.
- No diminution of sentence or good time credit shall be earned or eligible to be earned on time served pursuant to C.Cr.P. Art 880 (No GT on pretrial jail credit)
- Any diminution of sentence or good time earned shall be subject to forfeiture as provided in R.S. 15:571.4





ACT 7 CONT'D

- Gives DOC sole authority to determine when goodtime has been earned.
- Eliminates Parole Street Credit – Repeals (15:571.5C) which is Street Credit for good behavior while on parole prior to revocation.
- **2nd & Subsequent Offense Violent Convictions?**



NEW GOOD TIME RATES

- No good time on pretrial jail credit
- No distinction between violent and nonviolent crimes
- Assume all defendants will earn maximum amount of CTRP credit of 360 days
- Second or more COV (crimes of violence) are no longer flat
- Sex offenses are flat with no good time
- Habitual Offenders are flat with no good time





HB11 (VILLIO) ACT 8 (4/29/24)

Provides relative to sanctions for violation of probation or parole conditions.

- Increases maximum length of probation from 3 years to 5 years
- Removes restriction on the court from extending the probation period solely due to unpaid fees and fines
- **Eliminates Earned Compliance Credits (ECC)** for probation and parole supervision.





SB7 (EDMONDS) ACT 9 (7/1/24)

- **Authorizes use of Ignition Interlock for DWI 1st.**
- **Expands use of Ignition Interlock to first refusals, removing the time limits and making mandatory use applicable during the entire period of suspension.**
- **Increases suspension from 90-180 days for a first positive test of .08>.**
- **Mandates credit for duration II device installation.**





HB4 (EMERSON) ACT 10 (8/1/24)

- PCR PROCEDURE
- 930.4 Repetitive Applications - requires service on all parties of any supplemental or amended applications 60 days in advance hearing. Prohibits waiver of this rule by Court or DA. Authorizes DA or AG to appeal suspensively.
- 930.8 Time Limitations - loops in all amendments and supplements to application. Prohibits waiver by Court or DA.





SB5 (MCMATH) ACT 11 (4/29/24)

Provides for parole proceedings and revocation of parole in certain cases.

- Procedural – intended to apply to all future parole hearings
- Requires unanimous vote of panel/members
- Other:
 - Removed “*has not been convicted of a sex offense*” from parole eligibility conditions.
 - Increased cleansing period for major disciplinary infractions (schedule B), from *12* to *36* consecutive months prior to eligibility date.
 - Increase notice from 60 to 90 days & adds AG





ACT 11 CONT'D

- Increases delay from denials from 2/4 – 5 years for certain violent & sex offenses.
- Increases delay from denials from 2-3 years for all other violent & sex offenses.
- Specifies that the victim/spouse next of kin shall be allowed to testify directly & in rebuttal to testimony provided by offender.
- Order of hearing schedules relates to filing dates.
- Modification/Recission authority pre-release.





HB23 (MELERINE) ACT 12 (4/29/24)

- Civ. Pro. Art. 855.1 - mandates service upon the AG with 30 days to respond to constitutional challenges to state statutory law.
- Civ. Pro. Art. 1845 - renders any judgement declaring state law unconstitutional a nullity if 855.1 not complied with.
- Crim. Pro. Art. 62 - mandates service upon the AG - with 30 days to respond and participate - when any criminal pleading avers a state law is unconstitutional.
- Amends 49:257(C) to create a catch all.





SB 3 (CLOUD) ACT 13 (4/19/24)

Lowers the age for consideration as a juvenile in the criminal justice system.

- Reverses “Raise the Age” of 2016.
- Those who are age 17 or older at time of commission of the offense, shall be subject to adult criminal proceedings.
- Did not change all of the 17-18 adjustments elsewhere in the various codes.
- Sight/Sound restrictions still in place.
- 48 hour rural/metro distinction for <18.





SB4 (CLOUD) ACT 14 (7/1/24)

- Mandates secure placement of adjudicated juvenile in Armed/Robbery - Car Jacking or and 2nd + violent crime.
- Authorizes modification in such cases after 24 mos. or 1/2 of sentence if less than 36 mos.
- Articulates specific mandatory criteria for consideration of modification.





HBI (BACALA) ACT 15 (3/6/24)

- Mandates all District Clerks to provide free on-line access to all minute entries through the LCRAA system (excluding traffic). (cases after 1/1/20)
- Mandates placement of minute entries (or summary thereof) for all juvenile cases involving violent crime on LCRAA. (cases after 1/1/24)
- Amends Ch. Code Art. 412 to authorize release of all documents in any Ch. Code Art. 879 cases - provides for exemptions.
- Rapides is a Pilot Program.





HB2 (BACALA) ACT 16 (4/29/24)

- Codifies and some argue expands the judicial doctrine of “qualified immunity” for law enforcement officers.





HB5 (M. JOHNSON) ACT 17 (4/29/24)

Designates the crime of illegal use of weapons or dangerous instrumentalities as a crime of violence.

- **Added (61) illegal use of weapons or dangerous instruments under R.S. 14:2(B) as an enumerated crime of violence.**
- **Impact?**
 - **Juveniles**
 - **Bail**
 - **Habitual Offender**





HB7 (SCHLEGEL) ACT 18 (4/29/24)

Provides relative to the penalties for the crime of carjacking.

- Increases minimum prison term from 2 years to 5 years
- Increases minimum prison term, in instances resulting in “serious bodily injury,” from 10 years to 20 years; increases max penalty to 30 years
- **1st Degree (3-40)/Armed Robbery (10-99) still in play.**





HB8 (SCHLEGEL) ACT 19 (4/29/24)

Provides relative to distribution of fentanyl under certain circumstances.

- Created R.S. 40:967.1 PWID/Distribution of Fentanyl – “appeal[ing] to minors.”
- Penalty of 25 yrs to 99 yrs w/o benefit for violating 40:967(A) in a manner of appealing to a minor due to shape, color, taste, or design of fentanyl.
- **Look for this “candy-like” prohibition to be expanded.**





SB10 (CATHEY) ACT 21 (4/29/24)

Reduces good time earned by prisoners sentenced for the death of a peace officer or first responder.

- **New GTPS rate for “a person convicted in the death of a victim killed in the line of duty as a peace officer or first responder” shall earn at a rate of 1 day for every 30 days in custody. Approx. 97% must serve rate (and otherwise not prohibited from goodtime given crime or offense number).**
- **Unintended consequences – impact?**





SB8 (REESE) ACT 22 (3/20/24)

- Omibus revision to the LA Public Defender System.





2024 Regular Session



CRIMES/DEFINITIONS





CRIMES/DEFINITIONS

- **ACT 19** (HB 167- Brass)- Unlawful use of unmanned aircraft
- **ACT 21** (HB 211- Villio)- Provides relative to the elements and penalties within Anti-Skimming Act
- **ACT 43** (HB 206- Villio)- Alters the standard for the continued supervision of dangerous individuals who are NGBRI
- **ACT 44** (HB 212- Beaulieu)- Notification for incompetent and NGBRI defendants





CRIMES/DEFINITIONS

- **ACT 45 (HB 214- Villio) Monetary Instrument Abuse adds increase in penalty and other language**
- **ACT 56 (SB 105- Seabaugh)- Felon in Possession of a Firearm [attempt penalty]**
- **ACT 58 (SB 132- Miller)- Illegal Carrying of weapons [parade route]**





CRIMES/DEFINITIONS

- **ACT 63** (SB 377- Kleinpeter)- Felon in Possession of a Firearm [juvenile convictions]
- **ACT 67** (HB 202- Carver)- Creates state level “Mail Theft”
- **ACT 85** (HB 720- Schlegel)- Distribution of Fentanyl- adds disguising Fentanyl as branded medication
- **ACT 119** (SB 35- Hensgens)- Coordinated Retail Robbery





CRIMES/DEFINITIONS

- **ACT 130**- (HB 175- McMakin)- Unlawful posting of criminal activity for notoriety
- **ACT 142**- (SB 6- Connick)- Creates the crime of Unlawful Dissemination of Images of Another Created by Artificial Intelligence
- **ACT 143** (SB 17- Mizell)- Tianeptine added to La. R.S. 40:964- Schedule I





CRIMES/DEFINITIONS

- **ACT 157 (HB 734- Villio)- criminalizes unlawful contacting of victim family**
- **ACT 188 (HB 58- Bacala)- amends Simple Burglary (squatters)**
- **ACT 216 (HB 335- Carver)- Mandatory Reporting for School Resource Officers**





CRIMES/DEFINITIONS

- **ACT 221 (HB 445- Fontenot)- Rule to Show Cause Rx. for bond forfeitures shall be within 5 yrs after notice of warrant for arrest is sent.**
- **ACT 246 (SB 276- Pressly)- Creates the Crime of Coerced Abortion- use of abortion inducing drugs on unsuspecting pregnant person**
- **ACT 248 (HB 64- Stagni)- Prohibits retail sale of Nitros Oxide**
- **ACT 256 (HB 60- Edmonston)- creates exception to the unauthorized use of Sperm/Ovum by surviving spouse**





CRIMES/DEFINITIONS

- **ACT 259 (HB 173- Fontenot)- Creates the Crime of Approaching an Officer during their duties after being ordered to stop**
- **ACT 263 (HB 269- Muscarello)- Updates Simple Escape to include “escape” from Home Incarceration**
- **ACT 267 (HB 451- Schlegel)- Additions to Theft Statute- Porch Pirate Bill**
- **ACT 276 (HB 639- Fontenot)- Failure to provide ID by a driver added to R.S. 14:108**





CRIMES/DEFINITIONS

- **ACT 284 (SB 50- Reese) Criminalizes wagering by Prohibited Player**
- **ACT 305 (SB 184- Kleinpeter)- Penalty Increases for Aggravated Flight**
- **ACT 343 (SB 387- Kleinpeter)- creates the crime of destroying crime camera system**
- **ACT 350 (SB 420 Hodges)- Election Fraud or Forgery**
- **ACT 359 (SB 476 Owen)- Use of Bait Dogs (dogfighting)**





CRIMES/DEFINITIONS

- **ACT 367 (HB 125 Bayham)- Battery of a Bus Driver increased penalty**
- **ACT 370 (HB 226 Landry)- Public Bribery Penalty increased to 10 years**
- **ACT 413 (HB 128 Fontenot)- Consecutive Sentences for certain Felon in Possession (14:95.1)**
- **ACT 456 (HB 852 Landry)- Penalty increase for Malfeasance in Office (14:134)**





CRIMES/DEFINITIONS

- **ACT 476 (HB 824 Marcelle)- penalty change for Unlawful Disruption of the Operation of a School (14:40.6)**
- **ACT 505 (SB 107 Mizell)- Creates the crime of Possession of a Child Sex Doll**
- **ACT 523 (SB 401 Reese)- First Degree/Vehicular Negligent Injuring Penalty increase**
- **ACT 597 (HB 130- Bayham)- Molestation of a Juvenile w/ Supervision or Control Penalty Increase in the minimum from 5 to 10 years**





PRIVATE IMAGES LAW

- **ACT 11** (HB 12- Jordan)- adds “engaged in sexual performance” to nonconsensual disclosure
- **ACT 65** (HB 138- Schlegel)- removes the “intent to harass or cause emotional distress” element from nonconsensual disclosure
- **ACT 431** (HB 541- Lyons)- adds images obtained through unauthorized access to nonconsensual disclosure
- **ACT 142-** (SB 6- Connick)- Creates the crime of Unlawful Dissemination of Images of Another Created by Artificial Intelligence





ACT 662 (HB 776 BRYANT)

- **12 YEAR PROJECT**
- **Massive DWI Language Cleanup**
- **“Impaired” vs. “Under the Influence”**
- **Removes some affirmative defenses**
- **Includes intoxication related offenses**



A photograph of a classical building facade featuring a prominent statue of Lady Justice holding scales and a sword. Below the statue are intricate carvings of a lion and other figures. The sky is blue with some clouds.

PROCEDURE AND APPELLATE





PROCEDURE & APPELLATE

- **ACT 207 (HB 230 Hilferty)**- Suspends RX when a new trial is granted during period that State is appealing the grant of a new trial (PCR)
- **ACT 221 (HB 445 Fontenot)**- Rule to Show Cause Rx. for bond forfeitures- adds 5 yr RX period after there is an FTA on a bond
- **ACT 222 (HB 497 Fontenot)**- Amends extradition costs provisions under constructive surrender
- **ACT 270 (HB 553 Bryant)**- allows immediate expungements for 17 y/o defendants where there was no prosecution





PROCEDURE & APPELLATE

- **ACT 281** (SB 24 Seabeaugh)- Repeals limitations on use/dissemination of mugshots
- **ACT 290** (SB 91 Duplessis)- Extends sunset for filing PCR on DNA grounds (August 31, 2030)
- **ACT 318** (SB 220 Kleinpeter)- Impounding vehicles used in Drag Racing
- **ACT 340** (SB 369 Bass)- additional venue for Insurance Fraud prosecutions 19th JDC
- **ACT 344** (SB 402 Duplessis) – Victim Impact Statements- Addressing the Defendant





PROCEDURE & APPELLATE

- **ACT 463 (HB 969 Green) - expands remote judicial hearing authority and provides mandatory procedures**
- **Act 648 (SB 413 Miller) – Disallows early termination of probation for DWI related offenses**
- **Act 651 (SB 371 Barrow) – Provides for sentencing judge to order for castration of sex offenders when:**
 - **Victim is under 13**
 - **Crime is both sex crime and aggravated**
 - **If offender does not consent, then it is a violation of this condition and ordered to serve additional 3-5 years**
 - **Not applicable to sexual battery or second degree sexual battery***





PROCEDURE & APPELLATE

- **ACT 654 (HB 443 Coates) – CAC Video Confidentiality - establishes procedures for subpoenas of videos of protected persons**
- **Act 729 (HB 819 Ventrella) Self-Defense: Burden and Notice**
- **ACT 746 (HB 874 Kerner)- Electronic Monitoring and Notice**



GUNS





GUNS

- **ACT 30 (SB 43 McMath)- Law enforcement exceptions to CC law**
- **ACT 38 (SB 233 Miguez)- Illegal Carrying of Weapons in Capitol**
- **ACT 59 (SB 194 Miguez)- preemption of State law for firearms Restrictions**
- **ACT 189 (HB 67 Domangue)- Adds exceptions to Illegal Carrying of Weapons**





GUNS

- **ACT 451 (HB 823 Bacala)- clarified protections under Illegal Carrying of Weapons (14:95) [courthouses, capitol, and other gov't/LEO buildings]**
- **ACT 535 (SB 507 Talbot)- Negligent Carrying of Weapons- extends penalties to anyone carrying a weapon while under the influence of alcohol (.05 presumption)**







JUVENILES

- **ACT 92 (SB313 Mizell)- comprehensive LSLI revision of Children's Code.**
- **ACT 515 (SB312 Edmonds) - "Adoption Awareness Act"**
- **ACT 216 (HB335 Carver) - mandatory reporter revisions to include SROs**





JUVENILES

- **ACT 87 (SB7 Connick)- mandates reporting of escapes from juvenile facilities.**
- **ACT 44 (HB212 Beaulieu)- mandates notification upon juvenile escape.**
- **ACT 587 (SB431 Cloud) - Criminal Justice Funding Commission - Juvenile Detention**
- **ACT 386 (HB629 Phelps) - parental responsibility in truancy cases**

