
DIGEST

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HB 190 Original

2017 Regular Session

Dwight

Abstract: Provides relative to the statement prepared by the sheriff indicating the amount of time a defendant has spent in custody prior to conviction and provides relative to the duties of the clerk of court relative to this statement and other documents.

Present law requires the sheriff to prepare a statement indicating the amount of time a defendant has spent in custody prior to conviction when the defendant is committed to the Dept. of Public Safety and Corrections, sentenced for a term of one year or more to any penal institution, or ordered committed to any mental institution or mental hospital.

Proposed law amends present law to provide that the sheriff's statement shall be prepared when any of the following occur:

- (1) The defendant has been convicted of a felony and is committed to the Dept. of Public Safety and Corrections.
- (2) The defendant has been convicted of a misdemeanor and sentenced for a term of one year or more to any penal institution.
- (3) The defendant has been convicted and ordered committed to any mental institution or mental hospital.

Present law requires the sheriff to retain a copy of the statement and submit the original to the officer in charge of the institution or department to which the defendant is sentenced.

Proposed law amends present law to require the sheriff to retain a copy and submit the original to the sheriff of the parish to which the offender is sentenced.

Present law provides that when a sheriff's statement is required pursuant to the provisions of present law, the clerk of court shall also retain a copy of the sheriff's statement and prepare certain documents to be sent to the officer in charge of the department or penal institution to which the defendant has been sentenced, where they shall be preserved.

Proposed law amends present law to provide that the clerk of court shall send the statement and documents to the sheriff of the parish to which the offender is sentenced.

(Amends C.Cr.P. Art. 892(A) and (B)(2))

