

---

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

---

DIGEST

SB 220 Original

2017 Regular Session

Alario

Present law defines a "felony" as any crime for which an offender may be sentenced to death or imprisonment at hard labor.

Proposed law retains present law.

Present law defines various criminal offenses and for each individual present law offense provides specific penalties, which include terms of imprisonment, fines, or both.

Proposed law creates a felony class system, comprised of classes "A" through "F," whereby each listed present law felony falls within a designated class based on the severity of the offense and the possible term of imprisonment. Proposed law further provides the following penalties for each class of felony:

- (1) For a Class A felony, imprisonment at hard labor for between 10 years and 40 years, 10 years of which must be served without benefit of probation, parole, or suspension of sentence, and in addition, any fine that must or may be imposed pursuant to present law defining the penalties for the particular offense.
- (2) For a Class B felony, imprisonment at hard labor for between two and 40 years, and in addition, any fine that must or may be imposed pursuant to present law defining the penalties for the particular offense. If a Class B felony is a crime of violence or a sex offense, then two years of the sentence of imprisonment imposed must be served without the benefit of probation, parole, or suspension of sentence.
- (3) For a Class C felony, imprisonment at hard labor for between one and 20 years, and in addition, any fine that must or may be imposed pursuant to present law defining the penalties for the particular offense. If the Class C felony is a crime of violence or a sex offense, then one year of the sentence of imprisonment must be served without the benefit of probation, parole, or suspension of sentence.
- (4) For a Class D felony, imprisonment, with or without hard labor, for between one and 10 years, or any fine set forth in present law defining the penalties for the particular offense, or both.
- (5) For a Class E felony, unless otherwise specified, imprisonment, with or without hard labor, for between one and five years, or any fine set forth in present law defining the penalties for the particular offense, or both. Unless the defendant has his sentence suspended pursuant to present law, the court is to order that the defendant be imprisoned for a period of not more

than two years, and that the remainder of the sentence, if applicable, be suspended notwithstanding any other provision of present law to the contrary.

- (6) For a Class F felony, imprisonment as authorized by present law defining the penalties for the particular offense, or any fine set forth in present law defining the penalties for the particular offense, or both.

Proposed law provides that the terms of imprisonment, and any conditions thereon, imposed pursuant to proposed law are mandatory and supercede any term of imprisonment or conditions thereon that may be set forth in present law defining the penalties for any offense enumerated in the felony class list of proposed law.

Effective August 1, 2017.

(Amends R.S. 14:60(A) and (B), 67(B), 67.16(C), (D), (E), (F), and (G), 67.25(D), 67.26(C) and (E), 68(B), 68.4(B), 68.7(B), 69(B) and (C), 70.2(C), 70.4(E), 71(C), (D), (E), (F), and (G), 94(B), (C), and (D), 95(B), (C), (D), (E), (F), (G), (H), and (I), and 95.1(B) and R.S. 40:966(B), (C), (D), (E), (F), and (G), 967(B), (C), (D), and (E), 968(B) and (C), 969(B), (C), and (D), 970(B) and (C); adds R.S. 14:6.1, 6.2, 6.3, 69(D); repeals R.S. 14:62.8, 67.1, 67.2, 67.6, 67.7, 67.8, 67.9, 67.10, 67.16(H), 67.18, 67.20, 67.21, 67.24, 67.25(E), 67.28, 67.30, and 68.5, 71(H) and (I), 94(E) and (F), 95(J) and (K) and R.S. 40:966(H) and (I), and 967(F) and (G))