

2017 Regular Session

HOUSE BILL NO. 204

BY REPRESENTATIVE BILLIOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/SENTENCING: Provides relative to the information provided to the Dept. of Public Safety and Corrections when offenders are sentenced to its custody

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AN ACT

To amend and reenact Code of Criminal Procedure Articles 883.1 and 892(A) and (B)(1), relative to criminal sentences; to provide for documentation regarding criminal cases; to remove the requirement that the court provide a copy of the court minutes to the Department of Public Safety and Corrections in certain cases; to require the court to provide the department with a certified copy of the Uniform Sentencing Commitment Order; to authorize the department to request additional information from the court when necessary; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 883.1 and 892(A) and (B)(1) are hereby amended and reenacted to read as follows:

Art. 883.1. Sentences concurrent with sentences of other jurisdictions

A. The sentencing court may specify that the sentence imposed be served concurrently with a sentence imposed by a federal court or a court of any other state and that service of the concurrent terms of imprisonment in a federal correctional institution or a correctional institution of another state shall be in satisfaction of the sentence imposed in this state in the manner and to the same extent as if the defendant had been committed to the ~~Louisiana~~ Department of Public Safety and Corrections for the term of years served in a federal correctional institution or a

1 correctional institution of another state. When serving a concurrent sentence in a
2 federal correctional institution or a correctional institution of another state, the
3 defendant shall receive credit for time served as allowed under the laws of this state.

4 B. Whenever sentence is imposed under the provisions of this Article, the
5 court shall order that the defendant be remanded to the custody of the sheriff of the
6 parish in which the ~~conviction was had~~ defendant was convicted in the event that the
7 terms of imprisonment to which the defendant is sentenced in the foreign jurisdiction
8 terminates prior to the date on which the sentence imposed in this state is to
9 terminate. If the defendant completes the term of imprisonment during his
10 incarceration in the other jurisdiction, the department shall forward a copy of the
11 discharge papers to the sheriff in the parish of conviction and to the appropriate
12 authorities having physical custody of the defendant.

13 C. In every case where a sentence at hard labor is imposed under the
14 provisions of this Article, the court shall order that a certified copy of the ~~court~~
15 ~~minutes and court order~~ Uniform Sentencing Commitment Order in the format
16 authorized by the Louisiana Supreme Court be forwarded to the ~~Louisiana~~
17 Department of Public Safety and Corrections. If the department needs information
18 relating to the sentence not provided in the Uniform Sentencing Commitment Order,
19 it may request that information from the court. ~~Should the defendant complete his~~
20 ~~term of imprisonment during his incarceration in the other jurisdiction, the~~
21 ~~department shall forward a copy of the discharge papers to the sheriff in the parish~~
22 ~~of conviction and to the appropriate authorities having physical custody of the~~
23 ~~defendant.~~

24 * * *

25 Art. 892. Post-sentence statement by sheriff; accompanying documents

26 A. The sheriff shall prepare a statement indicating the amount of time a
27 defendant has spent in custody prior to conviction when such defendant is committed
28 to the Department of Public Safety and Corrections, sentenced for a term of one year
29 or more to any penal institution, or ordered committed to any mental institution or

1 mental hospital. The sheriff shall retain a copy of the statement and submit the
 2 original to the officer in charge of the institution or department to which the
 3 defendant is sentenced.

4 B.(1) When a sheriff's statement is required pursuant to Paragraph A of this
 5 Article, the clerk of court shall also prepare the following documents:

6 (a) A copy of the indictment under which the defendant was convicted.

7 (b) ~~A copy of the sentence as recorded in the minutes of the court.~~

8 (c) A copy of the Uniform Sentencing Commitment Order in the format
 9 authorized by the Louisiana Supreme Court which shall include the name and
 10 address of the judge, the district attorney, and the defense attorney who participated
 11 in the sentencing trial. If the department needs information relating to the sentence
 12 not provided in the Uniform Sentencing Commitment Order, it may request that
 13 information from the court.

14 * * *

15 Section 2. The provisions of this Act shall become effective on December 1, 2017.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 204 Engrossed

2017 Regular Session

Billiot

Abstract: Removes the requirement that the court provide a certified copy of the court minutes to the Dept. of Public Safety and Corrections in certain cases and instead requires other documentation to be provided.

Present law (C.Cr.P. Art. 883.1) authorizes the court to allow a defendant convicted of an offense in this state to serve a sentence concurrently with a sentence imposed by a federal court or a court of another state.

Present law further provides that in every case where a sentence at hard labor is imposed under this provision of present law, the court is required to provide a certified copy of the court minutes and court order to the Dept. of Public Safety and Corrections (DPS&C).

Proposed law removes the requirement that the court provide a copy of the court minutes to DPS&C in these cases, and instead requires the court to provide a certified copy of the Uniform Sentencing Commitment Order in the format authorized by the La. Supreme Court. Further authorizes DPS&C to request from the court any information about the sentence not provided in the Uniform Sentencing Commitment Order.

Present law (C.Cr.P. Art. 892) provides that in cases where a sheriff is required to prepare a statement indicating the amount of time a defendant has spent in custody prior to conviction when such defendant is committed to the custody of DPS&C, the clerk of court shall also prepare the following documents to be sent to the officer in charge of the department or penal institution to which the defendant has been sentenced:

- (1) A copy of the indictment under which the defendant was convicted.
- (2) A copy of the sentence as recorded in the minutes of the court.
- (3) A copy of the Uniform Sentencing Commitment Order in the format authorized by the La. Supreme Court.

Proposed law removes the requirement that the court provide a copy of the sentence as recorded in the minutes of the court, and further authorizes DPS&C to request from the court any information relating to the sentence not provided in the Uniform Sentencing Commitment Order.

Provides that proposed law shall become effective on Dec. 1, 2017.

(Amends C.Cr.P. Arts. 883.1 and 892(A) and (B)(1))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provide for a special effective date of Dec. 1, 2017.
2. Make technical corrections.