

## RÉSUMÉ DIGEST

**ACT 36 (HB 190)**

**2017 Regular Session**

**Dwight**

Prior law required 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.

New law amends prior 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 committed to any mental institution or mental hospital.

Prior law required the sheriff to retain a copy of the sheriff's statement and submit the original to the officer in charge of the institution or department to which the defendant is sentenced.

New law requires the sheriff to retain a copy of the sheriff's statement and submit the original to the sheriff of the parish to which the offender is sentenced.

Prior law provided that when a sheriff's statement is required, 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.

New law amends prior law to require that the clerk of court retain a copy of the sheriff's statement and documents and send the originals to the sheriff of the parish to which the offender is sentenced.

Effective August 1, 2017.

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