
DIGEST

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HB 518 Original

2019 Regular Session

Gaines

Abstract: Provides that the habitual offender law shall only be applied to persons whose instant conviction and any prior conviction is for a crime of violence.

Present law (habitual offender law) provides that any person who, after having been convicted of a felony, thereafter commits any subsequent felony within La., upon conviction shall be subject to certain enhanced penalties as set forth in present law.

Proposed law amends present law to provide that the habitual offender law shall only be applied to persons whose instant conviction and any prior conviction is for a crime of violence as defined by present law (R.S. 14:2(B)).

Present law provides for the following penalties:

- (1) If the third felony is such that upon a first conviction the offense would be punishable by imprisonment for any term less than natural life, and if the third felony and two prior felonies are defined as a crime of violence or sex offense when the victim is under the age of 18, the person shall be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.
- (2) If the fourth or subsequent felony is such that upon a first conviction the offense would be punishable by imprisonment for any term less than natural life, then the following sentences apply:
 - (a) If the fourth felony and no prior felony is defined as a crime of violence or as a sex offense, the person shall be imprisoned for not less than 20 years nor more than twice the longest possible sentence prescribed for a first conviction. If twice the possible sentence prescribed for a first conviction is less than 20 years, the person shall be imprisoned for 20 years.
 - (b) If the fourth felony and two of the prior felonies are felonies defined as a crime of violence or a sex offense when the victim is under the age of 18 at the time of commission of the offense, the person shall be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.

Because proposed law provides that the habitual offender law shall only be applied to persons whose instant conviction and any prior conviction is for a crime of violence, proposed law amends present

law to remove references to prior convictions that are crimes of violence.

Present law provides that, for purposes of the habitual offender law, the current offense cannot be counted as a second, third, fourth, or higher offense if more than five years have elapsed between the date of the commission of the current offense or offenses and the expiration of the maximum sentence or sentences of the previous conviction or convictions. With regard to prior convictions for offenses that are crimes of violence or sex offenses, present law extends this period of time to ten years.

Proposed law amends present law to provide that the five-year period shall apply in cases where the prior conviction is for an offense that is a crime of violence, and the ten-year period shall apply in cases where the prior conviction is a sex offense.

Present law provides the procedure by which a person is convicted as a habitual offender and sentenced under the habitual offender law.

Proposed law makes changes to these provisions of present law to provide that these provisions apply only to persons whose instant conviction and any prior conviction is for a crime of violence as provided in proposed law.

(Amends R.S. 15:529.1(A)(intro. para.), (1), (3)(intro. para.) and (b), and (4)(intro. para.), (b), and (c), (C)(2), (D)(1)(a), (2), and (3), (E), and (J))