

2021 Regular Session

HOUSE BILL NO. 493

BY REPRESENTATIVES PRESSLY AND VILLIO

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

CRIMINAL/SENTENCING: Reduces diminution of sentence for good behavior for certain weapons violations

1 AN ACT

2 To amend and reenact R.S. 15:571.3(B)(2)(a) and (b) and to enact R.S.

3 15:571.3(B)(1)(b)(iv), relative to the diminution of sentences for good behavior; to

4 provide relative to the rate of good time for certain offenders; to provide relative to

5 offenses that effect the rate by which the diminution of sentences are calculated; to

6 provide relative to the diminution of sentences relative to the offense of possession

7 of a firearm or carrying of a concealed weapon after having been previously

8 convicted of a crime of violence; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:571.3(B)(2)(a) and (b) are hereby amended and reenacted and  
11 R.S. 15:571.3(B)(1)(b)(iv) is hereby enacted to read as follows:

12 §571.3. Diminution of sentence for good behavior

13 \* \* \*

14 B.(1)

15 \* \* \*

16 (b) The provisions of Subparagraph (a) of this Paragraph shall be applicable  
17 to offenders convicted of offenses on or after January 1, 1992, and who are not  
18 serving a sentence for the following offenses:

19 \* \* \*

1           (iv) Possession of a firearm or carrying of a concealed weapon in violation  
2           of R.S. 14:95.1 after having been convicted previously of a crime of violence as  
3           defined in R.S. 14:2(B).

4           (2)(a) An offender convicted of a crime of violence as defined in R.S.  
5           14:2(B), without a prior conviction of a crime of violence as defined in R.S. 14:2(B),  
6           or a sex offense as defined in R.S. 15:541, or possessing a firearm or carrying a  
7           concealed weapon in violation of R.S. 14:95.1 after having been convicted  
8           previously of a crime of violence as defined in R.S. 14:2(B), shall earn diminution  
9           of sentence at a rate of one day for every three days in actual custody held on the  
10          imposed sentence, including time spent in custody with good behavior prior to  
11          sentencing for the particular sentence imposed as authorized by Code of Criminal  
12          Procedure Article 880.

13          (b) The provisions of this Paragraph shall not apply to an offender if his  
14          instant conviction is for a crime that is listed both as a crime of violence pursuant to  
15          R.S. 14:2(B) and sex offense pursuant to R.S. 15:541, or possession of a firearm or  
16          carrying of a concealed weapon in violation of R.S. 14:95.1 after having been  
17          convicted previously of a crime of violence as defined in R.S. 14:2(B).

18   \*           \*           \*

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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)]

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HB 493 Engrossed   2021 Regular Session   Pressly

**Abstract:** Adds possession of a firearm or carrying of a concealed weapon after having been convicted previously of a crime of violence to the offenses that effect the calculation of diminution of sentences.

Present law provides that unless otherwise prohibited, every offender in the custody of the Dept. of Public Safety and Corrections who has been convicted of a felony may earn, in lieu of incentive wages, a diminution of sentence by good behavior and performance of work, or self improvement activities, or both.

Present law also provides that unless otherwise prohibited, the diminution of sentences under present law shall be calculated at a rate of 13 days for every 7 days in actual custody served on the imposed sentence.

Present law further provides that present law shall be applicable to those offenders convicted of offenses on or after Jan. 1, 1992, and who are not serving a sentence for the following:

- (1) A sex offense as defined in R.S. 15:541.
- (2) A crime of violence as defined in R.S. 14:2(B).
- (3) Any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

Proposed law retains present law and adds that an offender serving a sentence for possession of a firearm or carrying of a concealed weapon in violation of R.S. 14:95.1 after having been convicted previously of a crime of violence as defined in R.S. 14:2(B) is not eligible for diminution of sentence at the rate of 13 days for every 7 days in actual custody served on the imposed sentence.

Present law provides that when convicted of a crime of violence without prior conviction of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, the rate at which the diminution of the sentence shall be calculated is one day for every three days in actual custody held on the imposed sentence.

Proposed law retains present law and adds that when convicted of a crime of violence without a prior conviction of possession of a firearm or carrying of a concealed weapon in violation of R.S. 14:95.1 after having been convicted previously of a crime of violence as defined in R.S. 14:2(B), the rate at which the diminution of the sentence shall be calculated is one day for every three days in actual custody held on the imposed sentence.

Present law also provides that the calculation of diminution of sentence at the rate of one day for every three days is not applicable when the instant offense is listed as both a crime of violence and a sex offense.

Proposed law adds that when the instant offense is listed as possession of a firearm or carrying of a concealed weapon in violation of R.S. 14:95.1 after having been convicted previously of a crime of violence as defined in R.S. 14:2(B) the offender is not eligible for the one day for every three day rate of diminution of sentence.

(Amends R.S. 15:571.3(B)(2)(a) and (b); Adds R.S. 15:571.3(B)(1)(b)(iv))