

2022 Regular Session

SENATE BILL NO. 142

BY SENATOR MORRIS

CRIMINAL JUSTICE. Prohibits violent offenders from being released under certain circumstances. (8/1/22)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 890.1(D) and to enact R.S. 15:529.1

3 (A)(2)(c), relative to crimes of violence; to provide relative to minimum mandatory

4 sentences for crimes of violence; to prohibit the waiver of minimum mandatory

5 sentences for all crimes of violence; to provide an additional penalty for a second or

6 subsequent offense when the offender has a criminal history including a crime of

7 violence; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Art. 890.1(D) is hereby amended and  
10 reenacted to read as follows:

11 Art. 890.1. Waiver of minimum mandatory sentences; procedure; exceptions

12 \* \* \*

13 D. The provisions of this Article shall not apply to a sex offense as defined  
14 in R.S. 15:541 or to any ~~of the following crimes~~ crime of violence as defined in

15 **R.S. 14:2(B):**

16 (1) ~~R.S. 14:28.1 (Solicitation for murder).~~

17 (2) ~~R.S. 14:30 (First degree murder).~~

- 1                   ~~(3) R.S. 14:30.1 (Second degree murder).~~
- 2                   ~~(4) R.S. 14:31 (Manslaughter).~~
- 3                   ~~(5) R.S. 14:34.6 (Disarming of a peace officer).~~
- 4                   ~~(6) R.S. 14:34.7 (Aggravated second degree battery).~~
- 5                   ~~(7) R.S. 14:37.1 (Assault by drive-by shooting).~~
- 6                   ~~(8) R.S. 14:37.4 (Aggravated assault with a firearm).~~
- 7                   ~~(9) R.S. 14:42 (Aggravated or first degree rape).~~
- 8                   ~~(10) R.S. 14:42.1 (Forcible or second degree rape).~~
- 9                   ~~(11) R.S. 14:43 (Simple or third degree rape).~~
- 10                  ~~(12) R.S. 14:43.1 (Sexual battery).~~
- 11                  ~~(13) R.S. 14:43.2 (Second degree sexual battery).~~
- 12                  ~~(14) R.S. 14:43.5 (Intentional exposure to AIDS virus).~~
- 13                  ~~(15) R.S. 14:44 (Aggravated kidnapping).~~
- 14                  ~~(16) R.S. 14:44.1 (Second degree kidnapping).~~
- 15                  ~~(17) R.S. 14:46.2 (Human trafficking).~~
- 16                  ~~(18) R.S. 14:46.3 (Trafficking of children for sexual purposes).~~
- 17                  ~~(19) R.S. 14:51 (Aggravated arson).~~
- 18                  ~~(20) R.S. 14:62.8 (Home invasion).~~
- 19                  ~~(21) R.S. 14:64 (Armed robbery).~~
- 20                  ~~(22) R.S. 14:64.4 (Second degree robbery).~~
- 21                  ~~(23) R.S. 14:64.3 (Armed robbery; use of firearm).~~
- 22                  ~~(24) R.S. 14:64.2 (Carjacking).~~
- 23                  ~~(25) R.S. 14:78.1 (Aggravated incest).~~
- 24                  ~~(26) R.S. 14:93.2.3 (Second degree cruelty to juveniles).~~
- 25                  ~~(27) R.S. 14:128.1 (Terrorism).~~
- 26                  ~~(28) R.S. 14:34 (Aggravated battery).~~
- 27                  ~~(29) R.S. 14:37 (Aggravated assault).~~
- 28                  (30) R.S. 14:34.1 (Second Degree Battery)
- 29                  (31) R.S. 14:35.3 (Domestic Abuse Battery)

1                   ~~(32) R.S. 14:40.2 (Stalking)~~

2                   ~~(33) R.S. 14:64.1 (First Degree Robbery)~~

3                   ~~(34) R.S. 14:32.5 (Feticide)~~

4   \*       \*       \*

5           Section 2. R.S. 15:529.1(A)(2)(c) is hereby enacted to read as follows:

6           §529.1. Sentences for second and subsequent offenses; certificate of warden or clerk

7   of court in the state of Louisiana as evidence

8                   A.   \*       \*       \*

9                   (2)   \*       \*       \*

10                   **(c) If the second or subsequent felony is a crime of violence as defined in**  
11                   **R.S. 14:2(B) or the person has a prior felony conviction of a crime of violence**  
12                   **as defined in R.S. 14:2(B) having a mandatory minimum sentence of**  
13                   **imprisonment for five years or more, the offender shall be sentenced to**  
14                   **imprisonment for an additional five years, to be served consecutively to the**  
15                   **sentence imposed for the instant offense, if the instant offense is committed on**  
16                   **or after August 1, 2022, and is committed less than seven years from the prior**  
17                   **felony.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

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DIGEST

SB 142 Original

2022 Regular Session

Morris

Present law prohibits a court from waiving the minimum mandatory sentence for certain crimes of violence.

Proposed law prohibits a court from waiving the minimum mandatory sentence for all crimes of violence.

Proposed law provides that a defendant who has a second or subsequent felony offense, when the defendant has a prior crime of violence or current conviction is a crime of violence will serve an additional term of imprisonment for five years consecutive to the second or subsequent felony sentence, if the second or subsequent felony is committed on or after 8/1/22 and there has been less than seven years from the conviction of the prior felony offense.

Effective August 1, 2022.

(Amends C.Cr.P. Art. 890.1(D); adds R.S. 15:529.1(A)(2)(c))