

SENATE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 335 by Senator Jackson

1 AMENDMENT NO. 1

2 On page 1, line 2, after "38(B) and " insert "R.S. 15:901(C),"

3 AMENDMENT NO. 2

4 On page 1, line 7, after "circumstances" insert "to provide relative to enhanced penalties for
5 aggravated escape and simple escape; to provide relative to commitment of juveniles;"

6 AMENDMENT NO. 3

7 On page 5, delete lines 11-20 and insert the following:

8 **(2) If at the time of the commission of the offense the offender is under**
9 **the jurisdiction and legal custody of the Department of Public Safety and**
10 **Corrections, or is being detained in any juvenile institution, and the victim is a**
11 **juvenile under the jurisdiction and legal custody of the Department of Public**
12 **Safety and Corrections, or is being detained in any juvenile institution, the**
13 **offender shall be fined not more than five hundred dollars or imprisoned not**
14 **more than six months or both. The sentence imposed pursuant to this**
15 **Paragraph shall be consecutive to any other sentence imposed for violation of**
16 **the provisions of any state criminal law.**

17 AMENDMENT NO. 4

18 On page 6, between lines 21 and 22, insert the following:

19 "* * *

20 §110. Simple escape; aggravated escape

21 A. Simple escape shall mean any of the following:

22 (1) The intentional departure, under circumstances wherein human life is not
23 endangered, of a person imprisoned, committed, or detained from a place where such
24 person is legally confined, from a designated area of a place where such person is
25 legally confined, or from the lawful custody of any law enforcement officer or
26 officer of the Department of Public Safety and Corrections.

27 (2) The failure of a criminal serving a sentence and participating in a work
28 release program authorized by law to report or return from his planned employment
29 or other activity under the program at the appointed time.

30 (3) The failure of a person who has been granted a furlough under the
31 provisions of R.S. 15:833 or R.S. 15:908 to return to his place of confinement at the
32 appointed time.

33 B.(1) ~~A person who is participating in a work release program as defined in~~
34 ~~Paragraph (A)(2) of this Section and who commits the crime of simple escape may~~
35 ~~be imprisoned with or without hard labor for not less than six months nor more than~~
36 ~~one year.~~

37 ~~(2) A person who fails to return from an authorized furlough as defined in~~
38 ~~Paragraph (A)(3) of this Section shall be imprisoned with or without hard labor for~~
39 ~~not less than six months nor more than one year and any such sentence shall not run~~
40 ~~concurrently with any other sentence.~~

41 ~~(3) A person participating in a home incarceration program under the~~
42 ~~jurisdiction and control of the sheriffs of the respective parishes who commits the~~
43 ~~crime of simple escape shall be imprisoned with or without hard labor for not less~~
44 ~~than six months nor more than five years, and such sentence shall not run~~
45 ~~concurrently with any other sentence.~~

1 (4) A person imprisoned, committed, or detained who commits the crime of
2 simple escape as defined in Paragraph (A)(1) of this Section shall be imprisoned with
3 or without hard labor for not less than two years nor more than five years; provided
4 that such sentence shall not run concurrently with any other sentence.

5 **A person imprisoned, committed, or detained who commits the crime of**
6 **simple escape as defined in Paragraph (A)(1) of this Section shall be imprisoned**
7 **with or without hard labor for not less than two years nor more than five years,**
8 **which shall be served consecutively to any other sentence the offender was**
9 **servng at the time of the escape.**

10 (2) **A person who is participating in a work release program as defined**
11 **in Paragraph (A)(2) of this Section and who commits the crime of simple escape**
12 **may be imprisoned with or without hard labor for not less than six months nor**
13 **more than one year, which shall be served consecutively to any other sentence**
14 **the offender was serving at the time of the escape.**

15 (3) **A person who fails to return from an authorized furlough as defined**
16 **in Paragraph (A)(3) of this Section shall be imprisoned with or without hard**
17 **labor for not less than six months nor more than one year, which shall be served**
18 **consecutively to any other sentence the offender was serving at the time of the**
19 **escape.**

20 (4) **A person participating in a home incarceration program under the**
21 **jurisdiction and control of the sheriffs of the respective parishes who commits**
22 **the crime of simple escape shall be imprisoned with or without hard labor for**
23 **not less than six months nor more than five years, which shall be served**
24 **consecutively to any other sentence the offender was serving at the time of the**
25 **escape.**

26 (5) **Whoever commits a simple escape when a person is injured during**
27 **the escape shall be imprisoned for not more than five years, which shall be**
28 **served consecutively to the sentence the offender was serving at the time of the**
29 **escape.**

30 C.(1) Aggravated escape is the intentional departure of a person from the
31 legal custody of any officer of the Department of Public Safety and Corrections or
32 any law enforcement officer or from any place where such person is legally confined
33 when his departure is under circumstances wherein human life is endangered.

34 (2) Whoever commits an aggravated escape as herein defined shall be
35 imprisoned at hard labor for not less than five years nor more than ten years, ~~and any~~
36 ~~such sentence shall not run concurrently with~~ **which shall be served consecutively**
37 **to any other sentence the offender was serving at the time of the escape.**

38 (3) **Whoever commits an aggravated escape, when a person is injured**
39 **during the escape shall be imprisoned not less than five nor more than ten years,**
40 **which shall be served consecutively to the sentence the offender was serving at**
41 **the time of the escape.**

42 D. For purposes of this Section, a person shall be deemed to be in the lawful
43 custody of a law enforcement officer or of the Department of Public Safety and
44 Corrections and legally confined when he is in a rehabilitation unit, a work release
45 program, or any other program under the control of a law enforcement officer or the
46 department.

47 E. The provisions of this Section shall be applicable to all penal, correctional,
48 **juvenile,** rehabilitational, and work release centers and any and all prison facilities
49 under the control of the sheriffs of the respective parishes of the state of Louisiana.
50 The prison facilities shall include but are not limited to parish jails, correctional
51 centers, home incarceration, work release centers, and rehabilitation centers,
52 hospitals, clinics, and any and all facilities where inmates are confined under the
53 jurisdiction and control of the sheriffs of the respective parishes.

54 Section 3. R.S. 15:901(C) is hereby amended and reenacted to read as follows:
55 §901. Juvenile reception and diagnostic center; establishment, commitment of
56 juveniles, substance abuse inpatient program, order, report, fact of
57 commitment

58 * * *

59 C. The order of commitment may require the department to take physical
60 custody of a child adjudicated a delinquent, committed to its custody pursuant to

1 Article 897(D) or 899(D) of the Children's Code, and recommended by the court or
2 the department for assignment to a secure program or facility, within ~~fourteen~~ sixty
3 days from the date of the court's signing of the judgment of disposition when the
4 child is in or is going to be placed in the physical custody of a parish juvenile
5 facility. If a court modifies a judgment of disposition, in accordance with Chapter 17
6 of Title VIII of the Children's Code, and gives the department custody of the
7 adjudicated delinquent, the provisions of this Section and Article 903 of the
8 Children's Code apply.
9 * * *

10 AMENDMENT NO. 5

11 On page 6, line 22, delete "Section 3." and insert "Section 4."

12 AMENDMENT NO. 6

13 On page 6, line 23, delete "Section 4." and insert "Section 5."