

CONFERENCE COMMITTEE REPORT

HB 223

2022 Regular Session

Marcelle

June 6, 2022

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 223 by Representative Marcelle, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Committee Amendments by Senate Committee on Judiciary B (#3766) be adopted.

Respectfully submitted,

Representative C. Denise Marcelle

Senator Gary L. Smith Jr.

Representative Randal L. Gaines

Senator W. Jay Luneau

Representative Nicholas Muscarello, Jr.

Senator Cameron Henry

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)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 223

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Keyword and oneliner of the instrument as it left the House

COURTS: Provides relative to eligibility for the Reentry Court Specialty Program

Report adopts Senate amendments to:

1. Requires the consent of the district attorney for the defendant to participate in the workforce development sentencing program in all cases wherein the defendant is convicted of an eligible violent crime.

Digest of the bill as proposed by the Conference Committee

Present law provides that each district court may assign a certain division of the court as a reentry division of court. Provides that a reentry division of a court shall establish a workforce development sentencing program.

Present law provides that a defendant may participate in the workforce development sentencing program subject to multiple provisions of present law.

Present law provides that the court may recommend that a defendant participate in the workforce development sentencing program if all of the following criteria are satisfied:

- (1) The defendant meets the eligibility requirements for participation in the Offender Rehabilitation and Workforce Development Program as provided by present law (R.S. 15:1199.7(A) and (C)).
- (2) The defendant meets the suitability requirements as defined by best practices developed for the Offender Rehabilitation and Workforce Development Program as adopted by the La. Supreme Court.
- (3) The court determines that it is in the best interest of the community and in the interest of justice that the defendant be sentenced to the Offender Rehabilitation and Workforce Development Program.
- (4) The defendant is not sentenced to a term of incarceration which exceeds 10 years.
- (5) The defendant does not have any prior felony convictions for any offenses defined as a sex offense in present law (R.S. 15:541).
- (6) The crime before the court is not a crime of violence as defined in present law (R.S. 14:2(B)), including domestic violence.
- (7) The defendant is not sentenced as a multiple offender in the present charge pursuant to present law (R.S. 15:529.1).
- (8) Other criminal proceedings alleging commission of a crime of violence as defined in present law (R.S. 14:2(B)) are not pending against the defendant.

- (9) The crime before the court is not a charge of any crime that resulted in the death of a person.

Proposed law repeals present law to remove the criteria that the defendant not be sentenced to a term of incarceration which exceeds 10 years.

Proposed law further amends present law to expand eligibility to defendants who have committed certain crimes of violence as defined in present law (R.S. 14:2(B)):

- (1) Aggravated battery (R.S. 14:34).
- (2) Second degree battery (R.S. 14:34.1).
- (3) Battery of a police officer (R.S. 14:34.2).
- (4) Disarming of a peace officer (R.S. 14:34.6).
- (5) Aggravated assault (R.S. 14:37).
- (6) Aggravated assault with a firearm (R.S. 14:37.4).
- (7) Simple kidnaping (R.S. 14:45).
- (8) False imprisonment; offender armed with dangerous weapon (R.S. 14:46.1).
- (9) Aggravated arson (R.S. 14:51).
- (10) Aggravated criminal damage to property (R.S. 14:55).
- (11) Home invasion (R.S. 14:62.8).
- (12) Second degree robbery (R.S. 14:64.4).
- (13) Simple robbery (R.S. 14:65).
- (14) Purse snatching (R.S. 14:65.1).
- (15) Aggravated flight from an officer (R.S. 14:108.1).

Proposed law removes the restriction on defendants who are habitual offenders from participating in a workforce development sentencing program.

Proposed law requires the district attorney's consent to defendant's participation in the program if the defendant was convicted of a violent crime as defined in present law.

(Amends R.S. 13:5401(B)(1)(f), (g), (h), and (i); Repeals R.S. 13:5401(B)(1)(d))