

RÉSUMÉ DIGEST

HB 99

2022 Regular Session

McMahon

Present law provides for a definition of "crime of violence" which means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon.

Present law further provides for a list of certain enumerated present law offenses that are included as crimes of violence.

Proposed law would have added the present law (R.S. 14:108.2) crime of resisting a police officer with force or violence to the list of enumerated crimes of violence.

(Proposed to add R.S. 14:2(B)(40))

VETO MESSAGE:

"Despite the author's earnest intent, this bill is antithetical to the 2017 Justice Reinvestment effort, passed by the legislature with strong bipartisan support. This effort arose from the Louisiana Justice Reinvestment Task Force, a bipartisan group comprised of law enforcement, court practitioners, community members, and legislators. The 2017 reforms focused on non-violent and non-sex offenses in an effort to change Louisiana's status as the state with the highest incarceration rate in the country. Just five years in, these changes are working. Through June of 2021, the state has saved approximately \$114.8 million in taxpayer dollars resulting in significant reinvestments in juvenile justice programs, victim's services, and other initiatives designed to reduce recidivism.

House Bill 99 would establish the crime of resisting a police officer with force or violence as a new crime of violence, thereby changing the calculation for earning good time for some offenders, making it more difficult for early release, no matter the severity of the offense, the threshold of which only requires a threat of force. There are, however, a number of crimes against law enforcement officers that are designated as crimes of violence currently, including aggravated assault on a peace officer, disarming of a peace officer, aggravated flight from an officer, and battery of a police officer, that are available to be used in prosecution for offenses committed against law enforcement.

I do appreciate all of the men and women of law enforcement who put their lives on the line every day to keep our state safe, however the people of this state are not served, nor are they made more safe, by imposing longer prison sentences for this particular crime."