

RÉSUMÉ DIGEST

SB 304

2022 Regular Session

Cathey

Present law provided that diminution of a sentence is not allowed to an inmate in the DPS&C if the offender has been sentenced as a habitual offender or when the trial court prohibits the earning of good time to a person convicted of stalking. Present law further provides that diminution of a sentence is not allowed to an inmate convicted of a second offense which is a crime of violence, or a sex offense.

Proposed law would retain present law.

Present law provides that every offender in the custody of the DPS&C who is convicted of a felony, except an offender convicted a second time of a crime of violence as defined in present law, for a specific amount of time, earns diminution of sentence. The "good time" is earned at a rate of 13 days for every seven days in actual custody, including time spent in custody prior to sentencing for the particular sentence imposed.

Proposed law would retain present law but creates an exception when the offense is for the death of a peace officer or first responder killed in the line of duty. An offender for such offense would have earned good time at a rate of one day for every 30 days in actual custody.

Proposed law would be known and may have been cited as "David's Law" on behalf of David Elahi.

Would have become effective upon signature of governor or lapse of time for gubernatorial action.

(Proposed to amend R.S. 15:571.3(B)(1)(a), (C)(intro para), (D), and (F) and add R.S. 15:571.3(G))

VETO MESSAGE:

"Please allow this letter to inform you that I have vetoed Senate Bill 304 of the 2022 Regular Session.

Senate Bill 304 significantly decreases the rate of diminution of sentence that can be earned by any person convicted in the death of a peace officer or first responder killed in the line of duty. The bill as passed would not take into account whether the person was convicted of an intentional crime or a crime of negligence resulting in the death of a peace officer or first responder, or whether or not the person convicted had knowledge that the victim was a peace officer or first responder working in the line of duty. While I believe the author was well intentioned, this legislation would unfairly treat a person convicted of a crime of negligence the same as a person convicted of an intentional crime. For these reasons, Senate Bill 304 will not become law."