
DIGEST

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HB 188 Reengrossed

2023 Regular Session

Frieman

Abstract: Provides relative to offenses that disqualify an offender from parole eligibility.

Proposed law provides that the district attorney may allege that a person is a dangerous offender when filing an information accusing that person of a previous conviction pursuant to this present law (R.S. 15:529.1).

Proposed law provides that the court shall hold a hearing to determine whether the person is a dangerous offender. Further provides that if the court concludes that the person is a dangerous offender, the court may order that the sentence imposed be served without benefit of probation, suspension of sentence, or parole until 85% of the sentence is served.

Proposed law provides that a person may be alleged to be a dangerous offender if he has been previously convicted of committing, attempting to commit, or conspiring to commit any of the following offenses:

- (1) A crime of violence as defined in present law (R.S. 14:2(B)).
- (2) A sex offense as defined in present law (R.S. 15:541(24)).
- (3) The production, manufacture, or distribution of any controlled dangerous substance listed in Schedules I or II of the Uniform Controlled Dangerous Substance Law other than marijuana.
- (4) A violation of the La. Racketeering Act.
- (5) A violation of the La. Street Terrorism Enforcement and Prevention Act.

Proposed law provides that the court shall consider all of the following circumstances in determining whether a person is a dangerous offender:

- (1) The factors enumerated in present law (C.Cr.P. Art. 894.1(B)).
- (2) The nature and extent of any prior delinquent or criminal history.
- (3) The success or failure of any previous attempts to rehabilitate the defendant.
- (4) The defendant's conduct while previously incarcerated or on probation or parole.

(5) Any other facts the court deems relevant.

Proposed law provides that if the court orders that the sentence imposed is to be served without the benefit of parole, probation, or suspension of sentence, the court shall state for the record the considerations taken into account and the factual basis for its determination.

Proposed law does not apply to any sentence which is already designated to be served without parole, probation, or suspension of sentence.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 15:529.3)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Restructure the sentence imposed to be served without benefit of probation, suspension of sentence, or parole until 85% of the sentence is served.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Remove any violation of the Uniform Controlled Dangerous Substance Law punishable by imprisonment of 20 years or more from the list of offenses that may be used to allege that a person is a dangerous offender.