

HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 215 by Senator Barrow

1 AMENDMENT NO. 1

2 On page 1, line 3, after "and" and before the comma "," change "Code of Criminal Procedure
3 Article 894.1(G)" to "Code of Criminal Procedure Articles 890.1(F), 926.4, 930.3(9), and
4 930.8(A)(7)"

5 AMENDMENT NO. 2

6 On page 1, line 6, after "trafficking;" and before "and" insert "to provide for post-conviction
7 relief;"

8 AMENDMENT NO. 3

9 On page 1, line 10, after "A." and before "**conduct**" change "**An offender's**" to the "**The
10 defendant's**"

11 AMENDMENT NO. 4

12 On page 1, delete lines 13 through 15 in their entirety

13 AMENDMENT NO. 5

14 On page 1, at the beginning of line 16, change "**(2) The offender**" to "**(1) The defendant**"

15 AMENDMENT NO. 6

16 On page 1, at the beginning of line 17, delete "**involving serious bodily injury**"

17 AMENDMENT NO. 7

18 On page 2, line 1, after the period "." insert the following:

19 "It shall be immaterial whether or not the perpetrator has been
20 previously convicted for the offense of domestic abuse, sexual assault, or
21 trafficking."

22 AMENDMENT NO. 8

23 On page 2, at the beginning of line 2, change "**(3) The offender**" to "**(2) The defendant**"

24 AMENDMENT NO. 9

25 On page 2, line 4, after "**upon the**" delete the remainder of the line and insert "**defendant**
26 **or upon another if the defendant did not commit**"

27 AMENDMENT NO. 10

28 On page 2, at the beginning of line 6, change "**(4) The offender**" to "**(3) The defendant**"

29 AMENDMENT NO. 11

30 On page 2, line 8, after "**B.**" and before "**who**" change "**An offender**" to "**A defendant**"

1 AMENDMENT NO. 12

2 On page 2, line 12, after the period ":" delete the remainder of the line and delete lines 13
3 through 16 in their entirety

4 AMENDMENT NO. 13

5 On page 2, delete lines 24 through 29 in their entirety and on page 3 delete lines 1 through
6 3 in their entirety

7 AMENDMENT NO. 14

8 On page 3, line 4, after "Procedure" and before "hereby" change "Art. 894.1(G) is" to "Arts.
9 890.1(F), 926.4, 930.3(9), and 930.8(A)(7) are"

10 AMENDMENT NO. 15

11 On page 3, delete lines 6 through 23 in their entirety and insert the following:

12 "Art. 890.1. Waiver of minimum mandatory sentences; procedure; exceptions

13 * * *

14 **F.(1)(a) A defendant who establishes by a preponderance of the evidence**
15 **that the defendant's status as a victim of intimate partner violence, domestic**
16 **abuse, human trafficking, or sexual assault was a significant contributing factor**
17 **to the defendant's participation in the offense shall, if convicted, be sentenced**
18 **in accordance with the provisions of R.S. 14:27(D).**

19 **(b) A defendant who is convicted of an attempt to commit an offense as**
20 **provided in R.S. 14:27 shall be sentenced to not more than either one-half of the**
21 **longest term of imprisonment prescribed for the attempted offense or twenty**
22 **years, whichever is shorter.**

23 **(c) The provisions of this Paragraph shall be given prospective and**
24 **retroactive application and may be raised by motion pursuant to Article 881.5.**
25 **If the motion is granted, nothing in this Paragraph shall authorize a court to**
26 **impose a term of imprisonment longer than the original sentence imposed.**

27 **(2) The provisions of Paragraph (1) of this Article shall only be**
28 **applicable if either of the following occur:**

29 **(a) The alleged victim of the offense is the same person who perpetrated**
30 **intimate partner violence, domestic abuse, human trafficking, or sexual assault**
31 **against the defendant.**

32 **(b) The perpetrator of intimate partner violence, domestic abuse, human**
33 **trafficking, or sexual assault compelled the defendant's participation in the**
34 **commission of the offense using fraud, force, or coercion, as defined in R.S.**
35 **14:46.2(C)(3). This Subsubparagraph shall not apply if the perpetrator of**
36 **intimate partner violence, domestic abuse, human trafficking, or sexual assault**
37 **had no role in the instant offense.**

38 **(3) The terms "domestic abuse", "human trafficking", and "sexual**
39 **assault" shall have the same meaning as provided in R.S. 14:18.1.**

40 **(4) It shall be immaterial whether or not the perpetrator has been**
41 **previously convicted for the offense of domestic abuse, sexual assault, or**
42 **trafficking.**

43 * * *

44 **Art. 926.4. Post-conviction relief for survivors of domestic abuse, intimate**
45 **partner violence, sexual violence or human trafficking**

46 **A. A petitioner who is a victim of intimate partner violence, domestic**
47 **abuse, human trafficking, or sexual assault may seek post-conviction relief**
48 **under this Article.**

49 **B. The petitioner shall be entitled to post-conviction relief if all of the**
50 **following are proven:**

1 AMENDMENT NO. 17

- 2 On page 4, line 13, after "403" delete the remainder of the line and delete lines 14 through
3 19 in their entirety and insert a period "."