

2024 Regular Session

HOUSE BILL NO. 269

BY REPRESENTATIVE MUSCARELLO

CRIME: Provides relative to the crime of simple escape while participating in a home incarceration program

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 611(C) and R.S. 14:110(A)(2),
3 (B)(3), and (E) and to enact R.S. 14:110(A)(4), relative to the crime of simple
4 escape; to provide relative to venue; to provide for an alternative element of the
5 offense; to provide for a violation of this offense; to provide relative to a penalty; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 611(C) is hereby amended and
9 reenacted to read as follows:

10 Art. 611. Venue; trial where offense committed

11 * * *

12 C. If the offender is charged with any of the following offenses, the offense
13 is deemed to have been committed either in the parish where the offense occurred or
14 where the victim resides:

15 (1) ~~R.S. 14:67.3, unauthorized use of an access card.~~

16 (2) R.S. 14:67.16, identity theft.

17 (3) (2) R.S. 14:70.4, access device fraud.

18 (4) (3) R.S. 14:70.8, illegal transmission of monetary funds.

19 (5) (4) R.S. 14:71.1, bank fraud.

20 (6) (5) R.S. 14:72, forgery.

1 ~~(7)~~ (6) R.S. 14:72.2, monetary instrument abuse.

2 (7) R.S. 14:110, simple escape; aggravated escape.

3 * * *

4 Section 2. R.S. 14:110(A)(2), (B)(3), and (E) are hereby amended and reenacted and
5 R.S. 14:110(A)(4) is hereby enacted to read as follows:

6 §110. Simple escape; aggravated escape

7 A. Simple escape shall mean any of the following:

8 * * *

9 (2) The failure of a ~~criminal~~ person serving a sentence and participating in
10 a work release program authorized by law to report or return from his planned
11 employment or other activity under the program at the appointed time.

12 * * *

13 (4) The intentional alteration, destruction, removal, or disabling of electronic
14 monitoring equipment while participating in a home incarceration program.

15 B.

16 * * *

17 (3)(a) A person participating in a home incarceration program under the
18 jurisdiction and control of the ~~sheriffs~~ law enforcement of the respective parishes
19 who ~~commits the crime of simple escape~~ violates the provisions of Paragraph (A)(4)
20 of this Section shall be imprisoned with or without hard labor for not less than six
21 months nor more than five years, and such sentence shall not run concurrently with
22 any other sentence.

23 (b) It shall be a violation of Paragraph (A)(4) of this Section if the offense
24 is committed within the parish of the court which ordered the home incarceration or
25 in the parish where the defendant resides or is physically located.

26 * * *

27 E. The provisions of this Section shall be applicable to all penal,
28 correctional, rehabilitational, and work release centers and any and all prison
29 facilities under the control of the ~~sheriffs~~ law enforcement of the respective parishes

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 of the state of Louisiana. The prison facilities shall include but are not limited to
 2 parish jails, correctional centers, home incarceration, work release centers, and
 3 rehabilitation centers, hospitals, clinics, and any and all facilities where inmates are
 4 confined under the jurisdiction and control of the ~~sheriffs~~ law enforcement of the
 5 respective parishes.

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)]

HB 269 Original

2024 Regular Session

Muscarello

Abstract: Provides relative to the crime of simple escape.

Present law (C.Cr.P. Art. 611) provides that the venue for a trial is where the offense is committed.

Proposed law retains present law.

Present law provides that if the offender is charged with certain offenses, the offense is deemed to have been committed either in the parish where the offense occurred or where the victim resides.

Proposed law amends present law to remove the defunct crime of unauthorized use of an access card and adds the offenses of simple escape and aggravated escape.

Present law (R.S. 14:110) provides for the offenses of simple and aggravated escape.

Proposed law retains present law generally.

Proposed law amends present law to change a term name from sheriffs of the respective parishes to law enforcement of the respective parishes.

Proposed law amends the present law offense of simple escape to provide for an additional element that involves the intentional alteration, destruction, removal, or disabling of electronic monitoring equipment while participating in a home incarceration program.

Present law provides that a person participating in a home incarceration program under the jurisdiction and control of the sheriffs of the respective parishes who commits the crime of simple escape shall be imprisoned with or without hard labor for not less than six months nor more than five years, and such sentence shall not run concurrently with any other sentence.

Proposed law amends present law to provide that a person participating in a home incarceration program under the jurisdiction and control of law enforcement of the respective parishes who intentionally alternates, destroys, removes, or disables electronic monitoring equipment while participating in a home incarceration program shall be imprisoned with or without hard labor for not less than six months nor more than five years, and such sentence shall not run concurrently with any other sentence.

Proposed law provides that it shall be a violation of proposed law if the offense is committed within the parish of the court which ordered the home incarceration or in the parish where the defendant resides or is physically located.

(Amends C.Cr.P. Art. 611(C) and R.S. 14:110(A)(2), (B)(3), and (E); Adds R.S. 14:110(A)(4))