

RÉSUMÉ DIGEST

ACT 246 (HB 146)

2025 Regular Session

Wiley

Existing law (R.S. 15:529.1) provides for the sentencing of second and subsequent felony offenses, otherwise known as "the Habitual Offender Law".

New law retains existing law generally.

Prior law (R.S. 15:529.1(C)) prohibited a current felony offense from being counted as a second, third, fourth, or higher offense if more than five years had elapsed between the date of the commission of the current offense or offenses and any of the following:

- (1) The expiration of the correctional supervision or term of imprisonment if the offender was not placed on supervision following imprisonment for the previous conviction or convictions.
- (2) The expiration of the correctional supervision or term of imprisonment if the offender was not placed on supervision following imprisonment for each preceding conviction or convictions alleged in the multiple offender bill.
- (3) The date of the commission of the following offense or offenses.

New law changes the particular point of time between the current felony offense and the previous conviction or convictions from the expiration of the correctional supervision or term of imprisonment if the offender is not placed on supervision following imprisonment to the completion of sentence, probation, parole, or suspension of sentence for the previous conviction or convictions.

New law further changes the particular point of time between the current felony offense and the previous conviction or convictions alleged in multiple bill proceedings from the expiration of correctional supervision or term of imprisonment if the offender is not placed on supervision following imprisonment to the date of the completion of sentence, probation, parole, or suspension of sentence for each preceding conviction or convictions alleged in the multiple offender bill.

Prior law prohibited any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, from being included in the computation of any of the five-year periods between the expiration of the correctional supervision or term of imprisonment if the offender was not placed on supervision following imprisonment and the next succeeding offense or offenses.

New law amends prior law to provide that the following shall not be included in the computation of any of the five-year periods provided in existing law:

- (1) Any period of time during which the offender was incarcerated in a penal institution in this state or any other state.
- (2) Any period of time during which the offender was under probation or parole supervision in this state or any other state.

Prior law prohibited a current felony offense from being counted as, respectively, a second, third, fourth, or higher offense if more than 10 years had elapsed between the date of the commission of the current offense or offenses and any of the following:

- (1) The expiration of correctional supervision or term of imprisonment if the offender was not placed on supervision following imprisonment for a crime of violence as defined in existing law (R.S. 14:2(B)) or a sex offense as defined in existing law (R.S. 15:541).
- (2) The expiration of correctional supervision or term of imprisonment if the offender was not placed on supervision following imprisonment for each preceding felony

conviction or convictions alleged in the multiple offender bill for a crime of violence as defined in existing law (R.S. 14:2(B)) or a sex offense as defined in existing law (R.S. 15:541).

- (3) The date of the commission of the following offense or offenses.

New law changes the particular point of time between the current felony offense and the previous conviction or convictions from the expiration of the correctional supervision or term of imprisonment if the offender is not placed on supervision following imprisonment to the completion of sentence, probation, parole, or suspension of sentence for the previous conviction or convictions if the current offense or offenses or the previous conviction or convictions are for a crime of violence as defined in existing law (R.S. 14:2(B)) or a sex offense as defined in existing law (R.S. 15:541).

New law further changes the particular point of time between the current felony offense and the previous conviction or convictions alleged in multiple bill proceedings from the expiration of correctional supervision or term of imprisonment if the offender is not placed on supervision following imprisonment to the date of the completion of sentence, probation, parole, or suspension of sentence for each preceding conviction or convictions alleged in the multiple offender bill.

New law changes the particular point of time between the current felony offense and the previous conviction or convictions from the date of the commission of the following offense or offenses to the date of the commission of the following offense or offenses if the preceding conviction or convictions or the following offense or offenses are for a crime of violence as defined in existing law (R.S. 14:2(B)) or a sex offense as defined in existing law (R.S. 15:541).

Prior law further prohibited any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, from being included in the computation of any of the 10-year periods between the expiration of correctional supervision or term of imprisonment if the offender was not placed on supervision following imprisonment for a crime of violence as defined in existing law (R.S. 14:2(B)) or a sex offense as defined in existing law (R.S. 15:541) and the next succeeding offense or offenses.

New law amends prior law to provide that the following shall not be included in the computation of any of the 10-year periods provided in existing law:

- (1) Any period of time during which the offender was incarcerated in a penal institution in this state or any other state.
- (2) Any period of time during which the offender was under probation or parole supervision in this state or any other state.

Effective August 1, 2025.

(Amends R.S. 15:529.1(C)(1) and (2))