

RÉSUMÉ DIGEST

ACT 52 (HB 79)

2025 Regular Session

Bacala

Existing law (C.Cr.P. Art. 893.2) provides for a determination as to whether a firearm was discharged, used, or actually possessed during the commission of a felony or a specifically enumerated misdemeanor.

New law retains existing law and provides that if a motion was filed by the state in compliance with existing law (C.Cr.P. Art. 893.1) and the case is resolved pursuant to a plea agreement, the district attorney and the defendant may stipulate that the provisions of existing law (C.Cr.P. Art. 893.3) are applicable.

New law provides that any such stipulation shall identify for the court all of the following:

- (1) The specific provision of existing law (C.Cr.P. Art. 893.3) that applies.
- (2) The specific underlying felony or specifically enumerated misdemeanor within existing law (C.Cr.P. Art. 893.3) that applies.

Existing law (C.Cr.P. Art. 893.3) provides for the imposition of various criminals sentences based on the felony or specifically enumerated misdemeanor in which a firearm was actually possessed, used, or discharged.

New law retains existing law and adds plea agreements that include a stipulation pursuant to new law (C.Cr.P. Art. 893.2(B)).

Effective upon signature of governor (June 4, 2025).

(Amends C.Cr.P. Arts. 893.2 and 893.3(A)-(D) and (E)(1)(a))