

ACT No. 86

Regular Session, 2014

HOUSE BILL NO. 743

BY REPRESENTATIVE MORENO AND SENATOR KOSTELKA

1 AN ACT

2 To amend and reenact R.S. 15:321(B), (D), (G)(introductory paragraph), and (H), and
3 323(A), (B)(2)(introductory paragraph), (D), and (G) and to enact R.S.
4 15:323(B)(2)(i) and (j), relative to the Louisiana Sentencing Commission; to provide
5 relative to the duties of the commission; to provide relative to legislation
6 recommended by the commission; to provide for the membership of the commission;
7 to provide for additional members of the commission; to provide relative to persons
8 serving as a proxy for a voting member of the commission; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 15:321(B), (D), (G)(introductory paragraph), and (H), and 323(A),
12 (B)(2)(introductory paragraph), (D), and (G) are hereby amended and reenacted and R.S.
13 15:323(B)(2)(i) and (j) are hereby enacted to read as follows:

14 §321. Purpose; duties of the commission; conducting of evaluation of sentencing
15 structure; report

16 * * *

17 B. The legislature has determined that the best interest of the state would be
18 served by the development and implementation of a uniform sentencing policy for
19 use by the Louisiana judiciary. The sole purpose of the Louisiana Sentencing
20 Commission is to assist the judiciary and the legislature in formulating such policy.

21 * * *

22 D. The commission shall conduct a continuous review of the state's
23 sentencing structure based upon existing criminal law and law relative to criminal
24 procedure. The commission may recommend ~~such~~ only sentencing and post-

1 conviction relief legislation as may be necessary and appropriate to achieve a
 2 uniform sentencing policy that ensures public safety and the imposition of
 3 appropriate and just sentences in terms that are clear and transparent and which make
 4 the most efficient use of the correctional system and community resources.
 5 Legislation may be recommended by the commission only upon approval by a two-
 6 thirds vote of the commission members present.

7 * * *

8 G. The commission shall make biannual recommendations for amendments
 9 to state law, pursuant to the provisions of Subsection D of this Section, that will
 10 maximize uniformity, certainty, consistency, and adequacy of a sentence structure
 11 to provide for all of the following:

12 * * *

13 H. Reports of the commission shall include but not be limited to an
 14 evaluation of the impact that existing sentences have had on length of incarceration,
 15 the impact of early release, the impact of existing sentences on the length of
 16 community supervision, ~~recommended options for the use of alternatives to~~
 17 ~~incarceration,~~ recommendations for sentencing and post-conviction options, and an
 18 analysis of the fiscal impact of the commission's recommendations.

19 * * *

20 §323. Composition of commission

21 A. The commission shall be composed of ~~twenty-two~~ twenty-five members.
 22 ~~Eighteen~~ Twenty members shall be voting members as designated in Subsection B
 23 of this Section, and ~~four~~ five members shall be nonvoting members as designated in
 24 Subsection D of this Section.

25 B.

26 * * *

27 (2) ~~Thirteen~~ Fifteen voting members shall be appointed by the governor as
 28 follows:

29 * * *

1 (b) An individual appointed to serve as proxy for a voting member described
 2 in the provisions of Subparagraph (B)(1)(e) or Subparagraphs (B)(2)(a) through
 3 (B)(2)(h) of this Section shall have the same qualifications, or shall be a member of
 4 the same entity, as the voting member for whom he is serving.

5 (3) The proxy appointed by the voting member shall not be subject to the
 6 same nominating and appointment procedures as is required for the voting member
 7 for whom he is serving and shall not be subject to Senate confirmation as required
 8 by the provisions of Subsection E of this Section.

9 (4) An individual shall not serve as proxy pursuant to the provisions of this
 10 Subsection for more than one voting member of the commission.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____