
DIGEST

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HB 802 Original

2016 Regular Session

Jackson

Abstract: Provides a procedure by which certain crimes of violence are designated as such in the court minutes and provides relative to certain benefits and restrictions based upon this designation.

Present law (R.S. 14:2(B)) provides that certain offenses can be defined as, or are specifically enumerated as, a crime of violence.

Proposed law retains present law and authorizes the court, upon the written recommendation of the district attorney, to designate in the court minutes that an offense is a crime of violence.

Proposed law further provides that the following offenses shall be designated by the court as a crime of violence in the court minutes: solicitation for murder, first degree murder, second degree murder, manslaughter, aggravated rape, forcible rape, simple rape, sexual battery, second degree sexual battery, intentional exposure to AIDS virus, aggravated kidnapping, second degree kidnapping, aggravated arson, armed robbery, assault by drive-by shooting, carjacking, terrorism, aggravated second degree battery, aggravated assault with a firearm, armed robbery, second degree robbery, disarming of a peace officer, second degree cruelty to juveniles, aggravated incest, trafficking of children for sexual purposes, human trafficking, and home invasion.

Present law prohibits persons convicted of a crime of violence as defined by present law from participating in or obtaining the benefits of the following:

- (1) Deferral of sentences. (C.Cr.P. Art. 893)
- (2) A drug division probation program. (R.S. 13:5304)
- (3) Reentry preparation programs. (R.S. 15:827.1)
- (4) Community resource center programs. (R.S. 15:833.1)
- (5) Rehabilitation and workforce development program. (R.S. 15:1199.7)

Present law (R.S. 15:529.1) provides for sentencing of a person as a habitual offender and provides for increased penalties when an offense for which the person was convicted is defined or enumerated as a crime of violence in present law.

Proposed law amends present law to provide increased penalties only for those offenses that were

designated in the court minutes as a crime of violence pursuant to proposed law.

Present law (R.S. 15:571.3) authorizes the diminution of a person's sentence for good behavior and provides that a person is prohibited or shall earn good time at a lesser rate for certain convictions of an offense that is defined or enumerated as a crime of violence in present law.

Proposed law amends present law to provide that this prohibition and the rate at which the person earns good time shall only apply to persons convicted of an offense that was designated in the court minutes as a crime of violence pursuant to proposed law.

Present law (R.S. 15:574.2 and 574.4) provides that persons convicted of an offense defined or enumerated as a crime of violence shall only be eligible for parole upon serving 85% of the sentence imposed and shall only be granted parole by a unanimous vote of the committee on parole.

Proposed law amends present law to provide that the 85% parole eligibility and the unanimous vote of the committee on parole required to grant parole shall only apply to offenses that were designated in the court minutes as a crime of violence pursuant to proposed law.

Present law (R.S. 15:574.9) authorizes certain offenders who are released on parole to receive the benefit of not having their parole revoked for a first technical violation of a parole condition and only being required to serve up to 90 days for the violation. Present law prohibits persons convicted of a crime of violence as defined or enumerated in present law from receiving the benefit of a first technical violation.

Proposed law amends present law and provides that this prohibition on receiving the benefit of a first technical violation of parole conditions shall only apply to persons convicted of an offense that was designated in the court minutes as a crime of violence pursuant to proposed law.

(Amends C.Cr.P. Art. 893(A) and (E)(1)(b) and R.S. 13:5304(B)(10)(a) and (b), R.S. 15:529.1(A)(3)(b), 571.3(A)(1), (B)(1) and (2) and (D), 574.2(C)(2)(a), 574.4(A)(1)(b)(i) and (ii) and (4)(a) and (B)(1), 574.9(G)(1)(b)(i), 827.1(E)(3)(b), 833.1(D), and 1199.7(C)(2); Adds C.Cr.P. Art. 890.3)