
DIGEST

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HB 802 Reengrossed

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.

Present law prohibits persons convicted of certain crimes of violence as defined by present law from obtaining the benefits of suspension or deferral of sentence pursuant to C.Cr.P. Art. 893 or from participating in a drug division probation program pursuant to R.S. 13:5304.

Proposed law 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 only for the purpose of determining whether the defendant is eligible for suspension or deferral of sentence or for participation in a drug division probation program.

Proposed law further provides that the following offenses shall always 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 or first degree rape, forcible or second degree rape, simple or third degree 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 crime against nature, trafficking of children for sexual purposes, human trafficking, and home invasion.

(Amends C.Cr.P. Art. 893(A) and (E)(1)(b) and R.S. 13:5304(B)(10)(a) and (b); Adds C.Cr.P. Art. 890.3)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provide that the designation by the court as a crime of violence in the court minutes is only for the purpose of determining whether the defendant is eligible for suspension or deferral of sentence or for participation in a drug division probation program.

2. Remove provisions of proposed law regarding reentry preparation programs, community resource centers, rehabilitation and workforce development programs, sentencing of habitual offenders, diminution of sentence, parole eligibility, and eligibility to receive technical violations. Therefore, any person convicted of a crime of violence as defined by present law (R.S. 14:2(B)) will be subject to present law provisions for these matters regardless of how the court designates the person's offense in the court minutes pursuant to proposed law.

The House Floor Amendments to the engrossed bill:

1. Makes technical corrections to reflect changes in terminology for certain offenses involving rape and crime against nature.