

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

SB 220 Reengrossed

2017 Regular Session

Alario

Present law provides elements, definitions, and penalties for the following offenses: simple arson, communicating of false information of planned arson, simple criminal damage to property, simple burglary of an inhabited dwelling, home invasion, theft, organized retail theft, theft of a motor vehicle, unauthorized use of a movable, unauthorized use of a motor vehicle, unlawful acts relative to receipts and universal product code labels, illegal possession of stolen things, refund or access device application fraud, access device fraud, issuing worthless checks, prostitution, residential contractor fraud, and money laundering.

Proposed law increases, reduces, or otherwise modifies the penalty provisions for these present law offenses in accordance with the report and recommendations of the Justice Reinvestment Task Force.

Present law provides elements, definitions, and penalties relative to offenses under the Uniform Controlled Dangerous Substances Law.

Proposed law increases, reduces, or otherwise modifies the penalty provisions for these present law offenses in accordance with certain recommendations of the Justice Reinvestment Task Force.

Present law designates certain offenses as "crimes of violence" for purposes of present law and proposed law.

Proposed law deletes the following offenses from present law: mingling harmful substances, extortion, and illegal use of weapons or dangerous instrumentalities.

Proposed law otherwise retains present law.

Present law provides elements, definitions, and penalties for the following offenses: theft of animals; failure to remit payment for sale of forest products; criminal damage to coin-operated devices; criminal damage to a pipeline facility; criminal damage to genetically engineered crops, genetically engineered crop facilities, or genetically engineered crop information; simple burglary of a pharmacy; simple burglary of a religious building; simple burglary of a law enforcement or emergency vehicle; theft of livestock; theft of goods; cheating and swindling; theft of timber; theft of a business record; theft of the assets of a person who is aged or a person with a disability; theft of utility service; theft of petroleum products; theft of oilfield geological survey; theft of oil and gas equipment; theft of utility property; and theft of copper or other metals.

Proposed law repeals present law.

Proposed law creates the La. Felony Class System Task Force to study, evaluate, and develop a recommendation for a felony class system before the 2018 Regular Session of the legislature.

Proposed law provides relative to the membership and organization of La. Felony Class System Task Force.

Proposed law requires the names of the persons who are to serve on the task force to be submitted to the chief justice of the La. Supreme Court on or before Sept. 1, 2017. Proposed law requires the chief justice to call the first meeting of the task force on or before Sept. 15, 2017. Proposed law further requires the task force to meet a minimum of six times between Sept. 15, 2017, and Feb. 1, 2018.

Proposed law requires the task force to prepare and submit a final report of its findings and recommendations, including any specific and complete draft legislation, to the governor, the speaker of the House of Representatives, the president of the Senate, the chairman of the House Committee on Administration of Criminal Justice, the chairman of the Senate Committee on Judiciary C, and the chief justice of the La. Supreme Court, no later than Feb. 1, 2018.

Proposed law relative to the task force becomes null and of no effect on Feb. 2, 2018.

Effective August 1, 2017.

(Amends R.S. 14:52(B), 54.1(B), 56(B)(1) and (2), 62.2(B), 62.8(B), 67(B), 67.25(D), 67.26(C), 68(B), 68.4(B), 68.7(B)(1), 69(B) and (C), 70.2(C), 70.4(E), 71(C), (D), (E), (F), and (G), 82(C)(3), 95.1(B), 202.1(C), and 230(E)(4) and R.S. 40:966(B), (C), (D), (E), and (F), 967(B) and (C), 968(B), 969(B) and (C), and 970(B) and (C); Adds R.S. 14:69(D) and 601 and R.S. 40:967(C)(1) and (D); Repeals R.S. 14:2(B)(8), (25) and (29), 56.1, 56.2, 56.3, 62.1, 62.6, 62.9, 67.1, 67.2, 67.3, 67.6, 67.7, 67.8, 67.9, 67.10, 67.18, 67.20, 67.21, 67.24, 67.25(E), 67.28, 67.30, 68.5, 71(H) and (I), and 211 and R.S. 40:966(G), (H) and (I) and 967(F) and (G))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Delete all references to a felony class system.
2. Delete certain present law offenses in order to consolidate offenses and to otherwise conform to recommendations of the Justice Reinvestment Task Force.
3. Delete certain offenses from the list of "crimes of violence".
4. Increase, reduce, or otherwise modify penalty provisions for certain present law offenses in accordance with the recommendations of the Justice Reinvestment Task Force.
5. Create and provide relative to the La. Felony Class System Task Force.

Senate Floor Amendments to engrossed bill

1. Increase, reduce, or otherwise modify penalty provisions for certain present law offenses in accordance with the recommendations of the Justice Reinvestment Task Force.
2. Return present law crime of intentional exposure to AIDS virus to the list of crimes of violence.
3. Delete the following present law crimes in order to consolidate offenses and to otherwise conform to recommendations of the Justice Reinvestment Task Force: simple burglary of a pharmacy, simple burglary of a religious building, and simple burglary of a law enforcement or emergency vehicle.
4. Delete proposed law relative to the crimes of illegal use of weapons or dangerous instrumentalities and illegal carrying of weapons.
5. Provide relative to the membership of the La. Felony Class System Task Force.

Summary of Amendments Adopted by House

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

1. Restore present law prohibition on suspension of sentence for persons convicted of the present law crime of possession of firearm or carrying concealed weapon by a person convicted of certain felonies.
2. Change the date by which the names of persons who are to serve on the task force shall be submitted to the chief justice of the La. Supreme Court from July 1, 2017, to Sept. 1, 2017.
3. Change the date by which the first meeting of the task force shall be held from July 15, 2017, to Sept. 15, 2017.
4. Make technical corrections with respect to citations.