

2017 Regular Session

HOUSE BILL NO. 110

BY REPRESENTATIVE BILLIOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Provides relative to the procedure for designating certain crimes in the court minutes as crimes of violence

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 890.3, relative to crimes of  
3 violence; to provide relative to sentencing for crimes of violence; to provide relative  
4 to the procedure by which certain crimes are designated in the court minutes as  
5 crimes of violence; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 890.3 is hereby amended and  
8 reenacted to read as follows:

9 Art. 890.3. Sentencing for crimes of violence

10 A. Except as provided in Paragraph ~~B~~ C of this Article, when a defendant is  
11 sentenced for any offense, or the attempt to commit any offense, defined or  
12 enumerated as a crime of violence in R.S. 14:2(B), ~~upon the district attorney may~~  
13 make a written recommendation ~~of the district attorney, the court may designate in~~  
14 ~~the minutes whether such offense is~~ to the court that the offense should not be  
15 designated as a crime of violence only for the following purposes:

16 (1) ~~To determine a~~ The defendant's eligibility for suspension or deferral of  
17 sentence pursuant to Article 893.

18 (2) ~~To determine a~~ The defendant's eligibility for participation in a drug  
19 division probation program pursuant to R.S. 13:5304.

1           B. In the absence of a written recommendation by the district attorney as  
2           provided in Paragraph A of this Article, the offense shall be designated as a crime  
3           of violence as a matter of law.

4           ~~B.C.~~ The following crimes of violence enumerated in R.S. 14:2(B) shall  
5           always be designated by the court in the minutes as a crime of violence:

- 6           (1) Solicitation for murder.
- 7           (2) First degree murder.
- 8           (3) Second degree murder.
- 9           (4) Manslaughter.
- 10          (5) Aggravated or first degree rape.
- 11          (6) Forcible or second degree rape.
- 12          (7) Simple or third degree rape.
- 13          (8) Sexual battery.
- 14          (9) Second degree sexual battery.
- 15          (10) Intentional exposure to AIDS virus.
- 16          (11) Aggravated kidnapping.
- 17          (12) Second degree kidnapping.
- 18          (13) Aggravated arson.
- 19          (14) Armed robbery.
- 20          (15) Assault by drive-by shooting.
- 21          (16) Carjacking.
- 22          (17) Terrorism.
- 23          (18) Aggravated second degree battery.
- 24          (19) Aggravated assault with a firearm.
- 25          (20) Armed robbery; use of firearm; additional penalty.
- 26          (21) Second degree robbery.
- 27          (22) Disarming of a peace officer.
- 28          (23) Second degree cruelty to juveniles.
- 29          (24) Aggravated crime against nature.

- 1                   (25) Trafficking of children for sexual purposes.
- 2                   (26) Human trafficking.
- 3                   (27) Home invasion.

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)]

HB 110 Original

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**Abstract:** Provides procedures whereby the district attorney makes a written recommendation to the court that certain crimes are not to be designated as crimes of violence, and provides that without such recommendation, the offense shall be designated as a crime of violence as a matter of law.

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.

Present 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 provides that in the absence of the written recommendation by the district attorney to the court, the crime in question will be designated in the court minutes as a crime of violence as a matter of law.

Present law provides for a list of crimes always designated by the court as crimes of violence in the court minutes and thus are not eligible for suspension or deferral of sentence or participation in a drug division probation program. Proposed law retains present law.

(Amends C.Cr.P. Art. 890.3)