

2017 Regular Session

SENATE BILL NO. 146

BY SENATOR CLAITOR

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

CRIME/PUNISHMENT. Provides relative to the Habitual Offender Law. (8/1/17)

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AN ACT

To amend and reenact R.S. 15:529.1(C) and (G), relative to the Habitual Offender Law; to decrease the cleansing period for offenses that are not crimes of violence or sex offenses; to provide for the suspension of imposition or execution of a sentence under the Habitual Offender Law under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:529.1(C) and (G) are hereby amended and reenacted to read as follows:

§529.1. Sentences for second and subsequent offenses; certificate of warden or clerk of court in the state of Louisiana as evidence

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C.(1) Except as provided in Paragraph (2) of this Subsection, the ~~The~~ current offense shall not be counted as, respectively, a second, third, fourth, or higher offense if more than ~~ten~~ **five** years have elapsed between the date of the commission of the current offense or offenses and the expiration of the maximum sentence or sentences of the previous conviction or convictions, or between the expiration of the

1 maximum sentence or sentences of each preceding conviction or convictions alleged
2 in the multiple offender bill and the date of the commission of the following offense
3 or offenses. In computing the intervals of time as provided herein, any period of
4 parole, probation, or incarceration by a person in a penal institution, within or
5 without the state, shall not be included in the computation of any of said ~~ten-year~~
6 five-year periods between the expiration of the maximum sentence or sentences and
7 the next succeeding offense or offenses.

8 (2) The current offense shall not be counted as, respectively, a second,
9 third, fourth, or higher offense if more than ten years have elapsed between the
10 date of the commission of the current offense or offenses and the expiration of
11 the maximum sentence or sentences of the previous conviction or convictions for
12 a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S.
13 15:541, or between the expiration of the maximum sentence or sentences of each
14 preceding conviction or convictions alleged in the multiple offender bill for a
15 crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S.
16 15:541 and the date of the commission of the following offense or offenses. In
17 computing the intervals of time as provided herein, any period of parole,
18 probation, or incarceration by a person in a penal institution, within or without
19 the state, shall not be included in the computation of any of said ten-year
20 periods between the expiration of the maximum sentence or sentences for a
21 crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S.
22 15:541 and the next succeeding offense or offenses.

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24 G.(1) Except as provided in Paragraph (2) of this Subsection, any Any
25 sentence imposed under the provisions of this Section shall be at hard labor without
26 benefit of probation or suspension of sentence.

27 (2) If the court finds that a sentence imposed under the provisions of this
28 Section would be excessive under the totality of the circumstances, then the
29 court may suspend the imposition or execution of not more than one-half of the

