
DIGEST

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HB 253 Engrossed

2018 Regular Session

Connick

Abstract: Provides that a defendant shall be subject to the version of the habitual offender law that was in effect on the date that the defendant's instant offense was committed, except for the cleansing period provision which is applied based on the date of the filing of the bill of information accusing the person of a prior conviction.

Present law ("habitual offender law") provides that any person who, after having been convicted of a felony, thereafter commits any subsequent felony within La., upon conviction shall be subject to certain enhanced penalties set forth in present law.

Prior law (prior to Act Nos. 257 and 282 of the 2017 R.S.) provided that for purposes of the habitual offender law, the current offense cannot be counted as a second, third, fourth, or higher offense if more than 10 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. Further provided that in computing the intervals of time, any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, cannot be included in the computation of any of the 10-year periods between the expiration of the maximum sentence or sentences and the next succeeding offense or offenses.

Present law (as amended by Act Nos. 257 and 282 of the 2017 R.S.) retains prior law if the prior offense was a crime of violence or sex offense. If the prior offense was not a crime of violence or a sex offense, present law (as amended by Act Nos. 257 and 282 of the 2017 R.S.) provides that the current offense cannot be counted as a second, third, fourth, or subsequent offense if more than 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.

Proposed law provides the court shall apply to a defendant the provisions of law that were in effect on the date that the defendant's instant offense was committed, except the provisions of present law as amended by Act Nos. 257 and 282 of the 2017 R.S. that provide for the amount of time that must elapse between the current and prior offense for the habitual offender law to apply, shall apply to any bill of information filed on or after Nov. 1, 2017, accusing the person of a previous conviction.

(Adds R.S. 15:529.1(K))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal

Justice to the original bill:

1. Add that the provisions of present law as amended by Act Nos. 257 and 282 of the 2017 R.S. that provide for the amount of time that must elapse between the current and prior offense for the habitual offender law to apply, shall apply to any bill of information filed on or after Nov. 1, 2017, accusing the person of a previous conviction.
2. To conform with the amendment, remove from proposed law the provision which states that the entirety of the habitual offender law in effect at the time that the instant offense is committed is applied.