

## RÉSUMÉ DIGEST

ACT 542 (HB 253)

2018 Regular Session

Connick

Existing 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.

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.

Existing 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, existing 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.

New 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 existing 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.

Effective August 1, 2018.

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