

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

CRIMINAL/PROCEDURE. Provides for the reduction of a defendant's sentence for substantial assistance in an investigation.

DIGEST

Proposed law authorizes courts to reduce a defendant's sentence if the defendant provided substantial assistance in investigating or prosecuting another person.

Proposed law provides that if the court reduces the sentence to a time period which is less than the minimum sentence provided by law, that sentence shall not be imposed without the consent of the district attorney.

Proposed law defines "sentencing" as the oral announcement of the sentence.

Proposed law requires that, prior to defendant receiving a reduction of sentence, the prosecuting attorney shall enter into a written memorandum of understanding with the defendant.

Proposed law provides that the memorandum of understanding shall not be considered a grant of immunity from criminal prosecution.

Proposed law provides that the memorandum of understanding shall include the entirety of the agreement between the state and the defendant and proposed law specifies information that must be included in the memorandum of understanding.

Proposed law requires the memorandum of understanding to describe the responsibilities agreed to by the defendant relating to substantial assistance provided by the defendant in the furtherance of an investigation or prosecution of another person.

Proposed law requires that the memorandum describe the responsibilities agreed to by the state relating to the reduction of the defendant's sentence.

Proposed law provides that when the defendant meets his obligation as described in the memorandum of understanding, the state shall move for a reduction of sentence in accordance with the memorandum of understanding.

(Adds C.Cr.P. Art. 881.6 and 881.7)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Removed all references in proposed law to the time period within which the motion shall be made.
2. Deleted provision which provided for special procedures when a motion was made more than one year after sentencing.
3. Authorized the court to consider postsentence assistance when evaluating whether a defendant has provided substantial assistance.
4. Added provision which states that in no event shall the defendant be resentenced for a time period less than that recommended by the district attorney.

House Floor Amendments to the engrossed bill.

1. Deleted provision prohibiting the defendant from being resentenced to a time period less than that recommended by the district attorney.
2. Provided that if the court reduces the sentence to a time period which is less than the minimum sentence provided by law, that sentence shall not be imposed without the consent of the district attorney.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the reengrossed bill.

1. Requires the district attorney and the defendant, prior to a reduction of sentence, enter into a memorandum of understanding.
2. Specifies the information to be included in the memorandum of understanding.
3. Requires the district attorney to move for a reduction of sentence when the defendant fulfills the requirements specified in the memorandum of understanding.