

2017 Regular Session

HOUSE BILL NO. 494

BY REPRESENTATIVE MARINO

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

CRIME/FELONIES: Provides for the classification of criminal offenses and criminal penalties based on the class of the offense

1 AN ACT
2 To enact Subpart F of Part I of Chapter 1 of Title 14 of the Louisiana Revised Statutes of
3 1950, to be comprised of R.S. 14:28.2 and 28.3, relative to sentencing for criminal
4 offenses; to provide for the classification of criminal offenses; to provide for the
5 penalties applied to each offense class; to provide for legislative intent; to provide
6 for the list of offenses that belong to each class; and to provide for related matters.
7 Be it enacted by the Legislature of Louisiana:
8 Section 1(A). Louisiana currently has over six hundred twenty-five individual
9 criminal offenses. Under the current system of criminal law, each of these offenses carries
10 its own unique set of penalties and applies its own restrictions on how the sentence can be
11 served, including eligibility for probation or parole. This haphazard and unwieldy system
12 of individual penalties imposes disparate sentences for similar crimes and creates an
13 inconsistent and confusing system of sentencing and release laws.
14 (B) To ensure clarity and consistency in sentencing, it is the intent of the legislature
15 to adopt a system by which each criminal offense is classified by severity of the offense, and
16 for each class of offenses, a standard is set for the length of the sentence, whether or not the
17 sentence is to be served at hard labor, whether the offender is eligible for community
18 supervision, and the size of the jury before which the offense shall be tried. This class
19 system will help to reduce uncertainty in sentencing and release, and will simplify and create
20 transparency within the criminal code for prosecutors, defense counsel, judges, and victims.

1 Section 2. Subpart F of Part I of Chapter 1 of Title 14 of the Louisiana Revised
2 Statutes of 1950, comprised of R.S. 14:28.2 and 28.3, is hereby enacted to read as follows:

3 SUBPART F. CLASSIFICATION OF FELONIES

4 §28.2. Penalty imposed by class

5 A. Capital Class. If an offense is classified as a "Capital" offense, the
6 offender shall be punished by death or life imprisonment. First degree murder (R.S.
7 14:30) and treason (R.S. 14:113) are the only offenses classified as "capital" that are
8 punishable by death. All other "capital" offenses are punishable by life
9 imprisonment at hard labor without benefit of suspension of sentence. All offenses
10 in this class shall be tried by a jury of twelve jurors.

11 B. Class A. If an offense is classified as a "Class A" offense, the offender
12 shall be punished by imprisonment at hard labor for not less than ten nor more than
13 forty years. At least ten years of the sentence imposed shall be served without
14 benefit of suspension of sentence. Offenses in this class shall be tried by a jury of
15 twelve jurors.

16 C. Class B. If an offense is classified as a "Class B" offense, the offender
17 shall be punished by imprisonment at hard labor for not less than two nor more than
18 forty years. If the Class B offense is a sex offense as defined by R.S. 15:541 or a
19 crime of violence as defined by R.S. 14:2, at least two years of the sentence imposed
20 shall be without benefit of suspension of sentence. Offenses in this class shall be
21 tried by a jury of twelve jurors.

22 D. Class C. If an offense is classified as a "Class C" offense, the offender
23 shall be punished by imprisonment at hard labor for not less than one nor more than
24 twenty years. If the Class C offense is a sex offense as defined by R.S. 15:541 or a
25 crime of violence as defined by R.S. 14:2, at least one year of the sentence imposed
26 shall be without benefit of suspension of sentence. Offenses in this class shall be
27 tried by a jury of twelve jurors.

1 E. Class D. If an offense is classified as a "Class D" offense, the offender
2 shall be punished by imprisonment, with or without hard labor, for not less than one
3 nor more than ten years. Offenses in this class shall be tried by a jury of six jurors.

4 F. Class E. If an offense is classified as a "Class E" offense, the offender
5 shall be punished by imprisonment, with or without hard labor, for not less than one
6 nor more than five years. If the judge orders the offender to a term of imprisonment
7 greater than two years, any amount of time ordered over the two-year period shall
8 be suspended. Offenses in this class shall be tried by a jury of six jurors.

9 G. Class F or unclassified offenses. If an offense is not classified as
10 "Capital", "Class A", "Class B", "Class C", "Class D", or "Class E", the offense shall
11 be classified as a "Class F" offense, and the offender shall be subject to the penalties
12 provided for by the statute that defines the offense.

13 H. Notwithstanding any provision of law to the contrary and except as
14 provided in Subsection G of this Section, the penalties provided for in this Section
15 shall apply to the offender convicted of an offense defined in this Title of the
16 Louisiana Revised Statutes of 1950 based upon the classification of the offense as
17 provided in R.S. 14:28.3.

18 §28.3. Classification of offenses

19 A. The following offenses are "Capital" offenses:

20 (1) R.S. 14: 30 (first degree murder).

21 (2) R.S. 14:30.1 (second degree murder).

22 (3) R.S. 14:42 (first degree rape).

23 (4) R.S. 14:44 (aggravated kidnapping).

24 (5) R.S. 14:44.2 (aggravated kidnapping of a child).

25 (6) R.S. 14:87.1 (killing a child during delivery).

26 (7) R.S. 14:113 (treason).

27 (8) R.S. 14:128.1(A)(1) (terrorism; intentional killing of a human being).

28 B. The following offenses are "Class A" offenses:

29 (1) R.S. 14:31 (manslaughter, victim under ten years of age).

1 (2) R.S. 14:32.1(C) (vehicular homicide; operator's blood alcohol
2 concentration exceeds 0.20 percent by weight based on grams of alcohol per one
3 hundred cubic centimeters of blood).

4 (3) R.S. 14:35.3(M) (domestic abuse battery; burning).

5 (4) R.S. 14:62.8(B)(3) (home invasion; when a person present is under
6 twelve, over sixty-five years, or has developmental disability).

7 (5) R.S.14:64 (armed robbery).

8 (6) R.S. 14:64.3 (armed robbery; use of a firearm).

9 (7) R.S.14:81.1(E)(4) (pornography involving juveniles; promotion).

10 (8) R.S.14:81.2(B)(3) (molestation of a juvenile; offender is the juvenile's
11 educator).

12 (9) R.S. 14:81.2(C)(1) (molestation of a juvenile; multiple instances within
13 one year).

14 (10) R.S. 14:81.2(B)(2) (molestation of juvenile; offender has control or
15 supervision over the victim).

16 (11) R.S. 14:81.3(B)(1)(b) (computer-aided solicitation of a minor; victim
17 under thirteen).

18 (12) R.S.14:81.3(B)(2) (computer-aided solicitation of a minor; subsequent
19 conviction).

20 (13) R.S. 14:82.1(D)(3)(a) (prostitution of persons under age eighteen;
21 parent or tutor consents).

22 (14) R.S. 14:82.1(D)(3)(b) (prostitution of persons under age eighteen;
23 victim is under fourteen and parent consents).

24 C. The following offenses are "Class B" offenses:

25 (1) R.S. 14:26(C) (conspiracy to commit an offense punishable by death or
26 life imprisonment).

27 (2) R.S. 14:31 (manslaughter; offense does not involve a victim under ten
28 years of age).

29 (3) R.S. 14:32.1 (vehicular homicide), except as otherwise classified.

- 1 (4) R.S. 14:35.3(F)(1) (domestic abuse battery; fourth or subsequent
2 offense).
- 3 (5) R.S. 14:40.2(B)(5) (stalking; third or subsequent offense).
- 4 (6) R.S. 14:42.1 (second degree rape).
- 5 (7) R.S. 14:44.1 (second degree kidnapping).
- 6 (8) R.S. 14:46.3 (trafficking of children for sexual purposes).
- 7 (9) R.S. 14:62.8(B)(2) (home invasion; armed with a dangerous weapon).
- 8 (10) R.S. 14:64.1 (first degree robbery).
- 9 (11) R.S. 14:64.4 (second degree robbery).
- 10 (12) R.S. 14:67.15(C)(3) (theft of a firearm; third or subsequent offense).
- 11 (13) R.S. 14: 81.1(E)(2)(b) (distribution or possession with intent to
12 distribute pornography involving juveniles; second offense).
- 13 (14) R.S. 14:82(C)(4) (prostitution; person under age eighteen).
- 14 (15) R.S. 14:82(C)(5) (prostitution; person under age fourteen).
- 15 (16) R.S. 14:82.1(D)(1) (prostitution of persons under age eighteen).
- 16 (17) R.S. 14:83(B)(2) (soliciting for prostitution; person under age eighteen).
- 17 (18) R.S. 14:83(B)(3) (soliciting for prostitution; person under age fourteen).
- 18 (19) R.S. 14:83.1(B)(2) (inciting prostitution; person under age eighteen).
- 19 (20) R.S. 14:83.1(B)(3) (inciting prostitution; person under age fourteen).
- 20 (21) R.S. 14:83.2(B)(2) (promoting prostitution; person under age eighteen).
- 21 (22) R.S. 14:83.2(B)(3) (promoting prostitution; person under age fourteen).
- 22 (23) R.S. 14:84(B)(2) (pandering; person under age eighteen).
- 23 (24) R.S. 14:84(B)(3) (pandering, person under age fourteen).
- 24 (25) R.S. 14:85(B)(2) (letting premises for prostitution; victim under age
25 eighteen).
- 26 (26) R.S. 14:85(B)(3) (letting premises for prostitution; victim under age
27 fourteen).
- 28 (27) R.S. 14:86(B)(1)(b) (enticing persons into prostitution; victim under age
29 eighteen).

1 (28) R.S. 14:86(B)(1)(c) (enticing persons into prostitution; victim under age
2 fourteen).

3 (29) R.S. 14:89(B)(2) (crime against nature in violation of R.S. 14:89(A)(1);
4 person under age eighteen).

5 (30) R.S. 14:89(B)(3) (crime against nature in violation of R.S. 14:89(A)(1);
6 person under age fourteen).

7 (31) R.S. 14:93.2.3 (second degree cruelty to juveniles).

8 (32) R.S. 14:98.4 (operating vehicle while intoxicated; fourth offense and
9 R.S. 14:98(B) applies).

10 (33) R.S. 14:98.4 (operating vehicle while intoxicated; fourth offense).

11 (34) R.S. 14:104(B)(3) (keeping a disorderly place, for purposes of
12 prostitution of a person under age fourteen).

13 (35) R.S. 14:105(B)(3) (letting a disorderly place, for purposes of
14 prostitution of a person if under age fourteen).

15 (36) R.S. 14:123(C)(1) (perjury; trial in which death or life sentence may be
16 imposed).

17 (37) R.S. 14:129(B)(2)(a) (jury tampering; trial in which death or life
18 sentence may be imposed).

19 (38) R.S. 14:129.1(C)(2) (intimidating, impeding, or injuring witnesses;
20 injuring officers; criminal proceeding in which death or life sentence may be
21 imposed).

22 (39) R.S. 14:130.1(B)(1) (obstruction of justice; criminal proceeding in
23 which death or life sentence may be imposed).

24 (40) R.S. 14:230(E)(4) (money laundering; value of funds over one hundred
25 thousand dollars).

26 (41) R.S. 14:327(B)(1) (obstructing a fireman; act equivalent to
27 manslaughter or attempted manslaughter).

28 (42) R.S. 14:388 (false statements in affidavit as perjury (R.S. 14:123(C)(1));
29 trial in which life or death sentence may be imposed).

- 1 (43) R.S. 14:512 (aggravated loansharking).
- 2 D. The following offenses are "Class C" offenses:
- 3 (1) R.S. 14:28.1 (solicitation for murder).
- 4 (2) R.S. 14:35.3(F) and (I) (domestic abuse battery; fourth or subsequent
5 offense and a child under the age of 13 years is present).
- 6 (3) R.S. 14:35.3(F) and (K) (domestic abuse battery; fourth or subsequent
7 offense and the victim is pregnant).
- 8 (4) R.S. 14:40.2(B)(4) (stalking; second conviction occurring within seven
9 years of a prior conviction for stalking).
- 10 (5) R.S. 14:43 (third degree rape).
- 11 (6) R.S. 14:51 (aggravated arson).
- 12 (7) R.S. 14:51.1 (injury by arson).
- 13 (8) R.S. 14:54.1 (communicating of false information of planned arson).
- 14 (9) R.S. 14:54.2 (manufacture and possession of delayed action incendiary
15 devices).
- 16 (10) R.S. 14:54.3 (manufacture and possession of a bomb).
- 17 (11) R.S. 14:54.6 (communicating of false information of planned bombing
18 on school property, at a school-sponsored function, or in a firearm-free zone).
- 19 (12) R.S. 14:58 (contaminating water supplies; when human life or health
20 is foreseeably endangered).
- 21 (13) R.S. 14:60 (aggravated burglary).
- 22 (14) R.S. 14:62.8 (home invasion), except as otherwise classified.
- 23 (15) R.S. 14:62.9 (simple burglary of a law enforcement or emergency
24 vehicle).
- 25 (16) R.S. 14:64.2 (carjacking).
- 26 (17) R.S. 14:65.1 (purse snatching).
- 27 (18) R.S. 14:81(H)(2) (indecent behavior with juveniles; victim under the
28 age of thirteen years).
- 29 (19) R.S. 14:81.1(E)(1) (pornography involving juveniles; possession).

- 1 (20) R.S. 14:81.1(E)(3) (pornography involving juveniles; parent, legal
2 guardian, or custodian consents to juvenile's participation).
- 3 (21) R.S. 14:87.2 (human experimentation).
- 4 (22) R.S. 14:87.5 (intentional failure to sustain life and health of aborted
5 viable infant).
- 6 (23) R.S. 14:89.1(B) (aggravated crime against nature in violation of R.S.
7 14:89.1(A)(1)).
- 8 (24) R.S. 14:89.1(C)(1) (aggravated crime against nature in violation of R.S.
9 14:89.1(A)(2)).
- 10 (25) R.S. 14:91.5(C)(2) (unlawful use of social networking, second offense).
- 11 (26) R.S. 14:100(C)(3) (hit and run driving; death or serious injury occurs,
12 driver knew that he was involved in accident, driver had previously been convicted
13 certain offenses involving a motor vehicle).
- 14 (27) R.S. 14:107.1(C) (ritualistic acts; involving mutilation, dismemberment,
15 or torture).
- 16 (28) R.S. 14:123(C)(2) (perjury; trial in which a sentence of imprisonment
17 at hard labor for any period less than life may be imposed).
- 18 (29) R.S. 14:129.1(C)(3) (intimidating, impeding, or injuring witnesses;
19 criminal proceeding in which a sentence of imprisonment at hard labor for any
20 period less than life may be imposed).
- 21 (30) R.S. 14:130.1(B)(2) (obstruction of justice; criminal proceeding in
22 which a sentence of imprisonment at hard labor for any period less than life may be
23 imposed).
- 24 (31) R.S. 14:230(E)(3) (money laundering; value of funds is twenty thousand
25 dollars or more but less than one hundred thousand dollars).
- 26 (32) R.S. 14:327(B)(2) (obstructing a fireman; act equivalent aggravated
27 battery).
- 28 (33) R.S. 14:329.1 and 329.7(C) (riot; death of a person occurs).
- 29 (34) R.S. 14:329.2 and 329.7(C) (inciting a riot; death of a person occurs).

1 (35) R.S. 14:329.3 and 329.7(C) (command to disperse, failure to comply;
2 death of a person occurs).

3 (36) R.S. 14:329.4 and 329.7(C) (wrongful use of public property; death of
4 a person occurs).

5 (37) R.S. 14:329.5 and 329.7(C) (interference with educational process;
6 death of a person occurs).

7 (38) R.S. 14:329.6 and 329.7(C) (proclamation of state of emergency;
8 conditions thereof; death of a person occurs).

9 (39) R.S. 14:388 (false statements in affidavit as perjury (R.S. 14:123(C)(2));
10 trial in which a sentence of imprisonment at hard labor for any period less than life
11 may be imposed).

12 E. The following offenses are "Class D" offenses:

13 (1) R.S. 14:32.6 (first degree feticide).

14 (2) R.S. 14:32.7 (second degree feticide).

15 (3) R.S. 14:32.9 (aggravated criminal abortion by dismemberment).

16 (4) R.S. 14:32.10 (partial birth abortion).

17 (5) R.S. 14:32.12 (criminal assistance to suicide).

18 (6) R.S. 14:34 (aggravated battery; victim is active member of the United
19 States Armed Forces or a disabled veteran).

20 (7) R.S. 14:34 (aggravated battery).

21 (8) R.S. 14:34.7 (aggravated second degree battery; victim is active member
22 of the United States Armed forces or a disabled veteran).

23 (9) R.S. 14:34.7 (aggravated second degree battery).

24 (10) R.S. 14:37.2 (aggravated assault upon a peace officer).

25 (11) R.S. 14:37.4 (aggravated assault with a firearm).

26 (12) R.S. 14:37.6 (aggravated assault with a motor vehicle upon a peace
27 officer).

28 (13) R.S. 14:40.1 (terrorizing).

29 (14) R.S. 14:40.4 (burning cross with intent to intimidate).

- 1 (15) R.S. 14:43.1(C)(1) (sexual battery).
- 2 (16) R.S. 14:43.2(C)(1) (second degree sexual battery).
- 3 (17) R.S. 14:43.3(C)(1) (oral sexual battery).
- 4 (18) R.S. 14:43.4 (female genital mutilation).
- 5 (19) R.S. 14:43.5 (intentional exposure to AIDS).
- 6 (20) R.S. 14:46.1 (false imprisonment with dangerous weapon).
- 7 (21) R.S. 14:52(B) (simple arson; damage more than five hundred dollars).
- 8 (22) R.S. 14:52.1 (simple arson of a religious building).
- 9 (23) R.S. 14:55 (aggravated criminal damage to property).
- 10 (24) R.S. 14:56(B)(3) (simple criminal damage to property; damage greater
11 than fifty thousand dollars).
- 12 (25) R.S. 14:56.2(D) (criminal damage to pipeline facility; foreseeable that
13 human life might be threatened).
- 14 (26) R.S. 14:56.4(E) (criminal damage to property by graffiti; damage more
15 than fifty thousand dollars).
- 16 (27) R.S. 14:62 (simple burglary).
- 17 (28) R.S. 14:62.1 (simple burglary of a pharmacy).
- 18 (29) R.S. 14:62.2 (simple burglary of inhabited dwelling).
- 19 (30) R.S. 14:62.5 (looting).
- 20 (31) R.S. 14:62.5(C) (looting during state of emergency).
- 21 (32) R.S. 14:62.6 (simple burglary of religious building).
- 22 (33) R.S. 14:66 (extortion).
- 23 (34) R.S. 14:67.4(D)(2) (anti-skimming act; uses scanning device and a re-
24 encoder).
- 25 (35) R.S. 14:67.4(D)(3) (anti-skimming act; third or subsequent conviction).
- 26 (36) R.S. 14:67.11 (credit card fraud by one authorized to provide goods and
27 services).
- 28 (37) R.S. 14:67.15(C)(1) (theft of a firearm; first offense).
- 29 (38) R.S. 14:67.15(C)(2) (theft of firearm; second offense).

- 1 (39) R.S. 14:67.22 (fraudulent acquisition of a credit card).
- 2 (40) R.S. 14:68.2 (unauthorized use of food stamps).
- 3 (41) R.S. 14:69.1 (illegal possession of a stolen weapon; second offense).
- 4 (42) R.S. 14:70.8 (illegal transmission of monetary funds).
- 5 (43) R.S. 14:71.1 (bank fraud).
- 6 (44) R.S. 14:71.3 (mortgage fraud).
- 7 (45) R.S. 14:72 (forgery).
- 8 (46) R.S. 14:72.2 (monetary instrument abuse).
- 9 (47) R.S. 14:73.7(E) (computer tampering; violation of R.S. 14:73.7(A)(3)
10 or (4) with the intent of disrupting vital services or operations of the state, any parish,
11 or municipality, utility company or with the intention of causing death or great
12 bodily harm).
- 13 (48) R.S. 14:73.8 (unauthorized use of wireless router system; pornography
14 involving juveniles).
- 15 (49) R.S. 14:80 (felony carnal knowledge of a juvenile).
- 16 (50) R.S. 14:81.2(B)(1) (molestation of a juvenile).
- 17 (51) R.S. 14:81.3(B)(1)(a) (computer-aided solicitation of a minor; victim
18 age thirteen through sixteen).
- 19 (52) R.S. 14:81.3(B)(1)(c) (computer-aided solicitation of a minor; victim
20 reasonably believed to be under seventeen).
- 21 (53) R.S. 14:81.3(B)(1)(d) (computer-aided solicitation of a minor; resulting
22 in actual sexual conduct).
- 23 (54) R.S. 14:86(B)(1)(a) (enticing persons into prostitution).
- 24 (55) R.S. 14:87 (abortion).
- 25 (56) R.S. 14:89(B)(4) (crime against nature in violation of R.S. 14:89(A)(2);
26 crime between ascendant and descendant or between brother and sister).
- 27 (57) R.S. 14:89.6 (human-animal hybrid).
- 28 (58) R.S. 14:91.5(C)(1) (unlawful use of social media; first offense).

- 1 (59) R.S. 14:92(D) or (E)(2) (contributing to the delinquency of juveniles;
2 offense involves a sexually immoral act; offense causes the juvenile to become
3 involved in a felony other than a crime of violence or drug offense).
- 4 (60) R.S. 14:93 (cruelty to juveniles).
- 5 (61) R.S. 14:93.3 (cruelty to persons with infirmities).
- 6 (62) R.S. 14:93.4 (exploitation of persons with infirmities).
- 7 (63) R.S. 14:93.5 (sexual battery of persons with infirmities).
- 8 (64) R.S. 14:95.2.2 (reckless discharge of a firearm at a parade).
- 9 (65) R.S. 14:95.7(C)(2) (possession of or dealing in firearms with obliterated
10 numbers or marks; second or subsequent offense).
- 11 (66) R.S. 14:96 (aggravated obstruction of highway).
- 12 (67) R.S. 14:100 (hit and run driving; death or serious injury occurs).
- 13 (68) R.S. 14:102.1(A)(2)(b) (simple cruelty to animals; second or subsequent
14 offense).
- 15 (69) R.S. 14:102.1(B) (aggravated cruelty to animals).
- 16 (70) R.S. 14:102.5 (dogfighting; training and possessing dogs for fighting).
- 17 (71) R.S. 14:102.8(D)(2) (injuring or killing of a police animal; second or
18 subsequent conviction).
- 19 (72) R.S. 14:104(B)(2) (keeping a disorderly place for purposes of
20 prostitution of a person if under age eighteen).
- 21 (73) R.S. 14:105(B)(2) (letting a disorderly place for purposes of prostitution
22 of a person if under age eighteen).
- 23 (74) R.S. 14:108.1(E)(2) (aggravated flight from an officer; results in serious
24 bodily injury).
- 25 (75) R.S. 14:110 (aggravated escape from prison).
- 26 (76) R.S. 14:114 (misprision of treason).
- 27 (77) R.S. 14:115 (criminal anarchy).
- 28 (78) R.S. 14:12 (corrupt influencing).
- 29 (79) R.S. 14:134.1 (malfeasance in office; sexual conduct prohibited).

1 (80) R.S. 14:201 (collateral securities, unauthorized use or withdrawal
2 prohibited).

3 (81) R.S. 14:202.1(C)(3) (residential contractor fraud; value amounts to one
4 thousand five hundred dollars or more).

5 (82) R.S. 14:211 (sale of forest products; value amounts to five hundred
6 dollars or more).

7 (83) R.S. 14:222.2(E) (cellular telephone counterfeiting; second or
8 subsequent offense).

9 (84) R.S. 14:222.2(D) (cellular telephone counterfeiting; possession of
10 interception instrument).

11 (85) R.S. 14:225(B)(3) (institutional vandalism; damage amounts to fifty
12 thousand dollars or more).

13 (86) R.S. 14:230(E)(2) (money laundering; value of funds is three thousand
14 dollars or more but less than to twenty thousand dollars).

15 (87) R.S. 14:283(B)(4) (video voyeurism; victim under age seventeen).

16 (88) R.S. 14:286 (sale of minor children).

17 (89) R.S. 14:327(B)(3) (obstructing a fireman; act equivalent to simple
18 battery, aggravated assault, or false imprisonment).

19 (90) R.S. 14:336(D)(2) (unlawful aiming of laser at an aircraft; second or
20 subsequent offense).

21 (91) R.S. 14:1061.27 (partial birth abortion).

22 F. The following offenses are "Class E" offenses:

23 (1) R.S. 14:25 (accessory after the fact).

24 (2) R.S. 14:27(D)(2)(c)(ii) (attempt; receiving stolen things, value over
25 twenty-five thousand dollars).

26 (3) R.S. 14:28 (inciting a felony).

27 (4) R.S. 14:28(C) (inciting a felony; person under age seventeen).

28 (5) R.S. 14:32(C)(2)(a) (negligent homicide; victim under age ten).

29 (6) R.S. 14:32 (negligent homicide).

- 1 (7) R.S. 14:32(C)(3) (negligent homicide; killed by dog or other animal
2 when the owner is reckless).
- 3 (8) R.S. 14:32.8 (third degree feticide).
- 4 (9) R.S. 14:32.9 (criminal abortion).
- 5 (10) R.S.14:34.1 (second degree battery; victim member of armed forces or
6 a disabled veteran).
- 7 (11) R.S. 14:34.1 (second degree battery).
- 8 (12) R.S. 14:34.2(B)(2) (battery of a police officer; offender in custody of
9 the Department of Public Safety and Corrections or is detained).
- 10 (13) R.S. 14:34.2(B)(3) (battery of a police officer; results in injury that
11 requires medical attention).
- 12 (14) R.S. 14:34.3(C)(2) or (3) (battery of a school teacher by non-student or
13 results in injury that requires medical attention).
- 14 (15) R.S. 14:34.5(B)(2) (battery of a correctional officer; offender is
15 prisoner)
- 16 (16) R.S. 14:34.6 (disarming of a peace officer).
- 17 (17) R.S. 14:34.8(C)(2) (battery of an emergency room employee; results in
18 injury that requires medical attention).
- 19 (18) R.S. 14:35.1 (simple battery of a child welfare or adult protective
20 service worker; results in injury that requires medical attention).
- 21 (19) R.S. 14:35.3(E) (domestic abuse battery; third offense).
- 22 (20) R.S. 14:35.3(E) and (K) (domestic abuse battery; third offense and
23 victim is pregnant).
- 24 (21) R.S. 14:35.3(L) (domestic abuse battery; strangulation).
- 25 (22) R.S. 14:37.1 (assault by drive by shooting).
- 26 (23). R.S. 14:37.5 (aggravated assault on utility service employee with a
27 firearm).
- 28 (24) R.S. 14:37.7 (domestic abuse aggravated assault).

- 1 (25) R.S. 14:37.7(D) (domestic abuse aggravated assault; child age thirteen
2 or younger present).
- 3 (26) R.S. 14:38.1 (mingling harmful substances).
- 4 (27) R.S. 14:38.2(B)(2) (assault on a school teacher by non-student).
- 5 (28) R.S. 14:39.2 (first degree vehicular negligent injuring).
- 6 (29) R.S. 14:40.2(B)(2) (stalking; victim in fear of death or bodily injury
7 because of offender's use or possession of a dangerous weapon or victim under age
8 eighteen).
- 9 (30) R.S. 14:40.2(B)(3) (stalking; victim under existing protective order).
- 10 (31) R.S. 14:40.2(B)(6) (stalking; victim under twelve).
- 11 (32) R.S. 14:40.3(C)(2) (cyberstalking; second conviction occurring within
12 seven years of prior conviction)
- 13 (33) R.S. 14:40.3(C)(3) (cyberstalking; third or subsequent conviction
14 occurring within seven years of prior conviction)
- 15 (34) R.S. 14:40.6 (disruption of school operation).
- 16 (35) R.S. 14:45 (simple kidnapping).
- 17 (36) R.S. 14:46.4 (re-homing of a child).
- 18 (37) R.S. 14:52(C) (simple arson; damage less than five hundred dollars).
- 19 (38) R.S. 14:53 (arson with intent to defraud).
- 20 (39) R.S. 14:54.5 (fake explosive device).
- 21 (40) R.S. 14:56(B)(2) (simple criminal damage to property; damage amounts
22 to five hundred dollars or more but less than fifty thousand dollars).
- 23 (41) R.S. 14:56.1 (criminal damage to coin operated devices).
- 24 (42) R.S. 14:56.2(C) (criminal damage to pipeline facility)
- 25 (43) R.S. 14:56.3 (criminal damage to genetically engineered crops,
26 facilities, or information).
- 27 (44) R.S. 14:56.4(D) (criminal damage to property by graffiti; damage
28 amounts to more than five hundred dollars but less than fifty thousand dollars).

- 1 (45) R.S. 14:56.5 (criminal damage to historic building or landmarks by
2 graffiti).
- 3 (46) R.S. 14:57 (damage to property with intent to defraud).
- 4 (47) R.S. 14:58 (contaminating water supplies).
- 5 (48) R.S. 14:61 (unauthorized entry of critical infrastructure).
- 6 (49) R.S. 14:62.3 (unauthorized entry of an inhabited dwelling).
- 7 (50) R.S. 14:62.4 (unauthorized entry of a business).
- 8 (51) R.S. 14:65 (simple robbery).
- 9 (52) R.S. 14:67.4(D)(1) (anti-skimming act).
- 10 (53) R.S. 14:67.19 (theft of anhydrous ammonia).
- 11 (54) R.S. 14:67.19.1 (unauthorized possession of anhydrous ammonia).
- 12 (55) R.S. 14:67.26 (filing a false affidavit to support an alleged theft of a
13 motor vehicle).
- 14 (56) R.S. 14:68 (unauthorized use of a moveable; value in excess of five
15 hundred dollars).
- 16 (57) R.S. 14:68.7 (possessing a device to manufacture fraudulent retail
17 sales).
- 18 (58) R.S. 14:69.1(B)(1) (illegal possession of a stolen weapon; first offense)
- 19 (59) R.S. 14:70.1 (medicaid fraud).
- 20 (60) R.S. 14:70.5 (fraudulent remuneration).
- 21 (61) R.S. 14:70.7 (unlawful production, manufacturing, distribution, or
22 possession of fraudulent documents for identification purposes).
- 23 (62) R.S. 14:72.1.1 (forgery of insurance certificate or ID card).
- 24 (63) R.S. 14:72.6 (forgery of a motor vehicle inspection certificate).
- 25 (64) R.S. 14:73.2(A) (offenses against intellectual property; damage amounts
26 to five hundred dollars or more).
- 27 (65) R.S. 14:73.3(B)(1) (offenses against computer equipment; damage
28 amounts to five hundred dollars or more).

- 1 (66) R.S. 14:73.4(B)(1) (offenses against computer users; five hundred
2 dollars or more).
- 3 (67) R.S. 14:73.5 (computer fraud).
- 4 (68) R.S. 14:73.7(D) (computer tampering; violation of R.S. 14:73.7(A)(3)
5 or (4)).
- 6 (69) R.S. 14:75(C)(1) (failure to pay child support; second offense).
- 7 (70) R.S. 14:75(C)(5) (failure to pay child support; obligation is more than
8 fifteen thousand dollars and one year outstanding).
- 9 (71) R.S. 14:76 (bigamy).
- 10 (72) R.S. 14:77 (abetting in bigamy).
- 11 (73) R.S. 14:79(B)(3) (violation of protective order; third conviction without
12 battery or crime of violence).
- 13 (74) R.S. 14:79(C)(2) or (3) (violation of protective order; involving battery
14 or crime of violence and prior convictions for the offense).
- 15 (75) R.S. 14:79.1 (criminal abandonment).
- 16 (76) R.S. 14:81(H)(1) (indecent behavior with juveniles; victim over age
17 thirteen).
- 18 (77) R.S. 14:81.4(E)(2) (prohibited sexual conduct between educator and
19 student; second offense).
- 20 (78) R. S. 14:82(C)(2) (prostitution; second conviction).
- 21 (79) R.S. 14:82(C)(3) (prostitution; third conviction).
- 22 (80) R.S. 14:82.2(C)(2) (purchase of commercial sexual activity; second
23 offense).
- 24 (81) R.S. 14:82.2(C)(3) (purchase of commercial sexual activity, third
25 offense).
- 26 (82) R.S. 14:83.2 (promoting prostitution).
- 27 (83) R.S. 14:84(B)(1) (pandering).
- 28 (84) R.S. 14:89(B)(1) (crime against nature in violation of R.S. 14:89(A)(1)).

1 (85) R.S. 14:89(B)(5) (crime against nature in violation of R.S. 14:89(A)(2);
2 crime is between uncle and niece or aunt and nephew).

3 (86) R.S. 14:89.2(B)(2) (crime against nature by solicitation; second
4 conviction).

5 (87) R.S. 14:89.2(B)(3)(a) (crime against nature by solicitation; person
6 solicited is under eighteen).

7 (88) R.S. 14:90(A)(2) (gambling; conducts, finances, manages, supervises,
8 directs, or owns).

9 (89) R.S. 14:90.3(E) (gambling by computer; designs, develops, manages,
10 supervises, maintains, provides, or produces).

11 (89) R.S. 14:90.6(B) (gambling or wagering at cockfights; conducts,
12 finances, manages, supervises, directs, leases, or owns).

13 (90) R.S. 14:90.7 (gambling by electronic sweepstakes device).

14 (91) R.S. 14:92(E)(1) (contributing to the delinquency of juveniles; offenses
15 causes child to be involved in the commission of a crime of violence or felony drug
16 offense).

17 (92) R.S. 14:92.2(B)(2) (improper supervision of a minor by a parent or
18 custodian; violation of court-ordered safety plan that results in death or injury to the
19 child that requires medical attention).

20 (93) R.S. 14:95.1.1 (illegally supplying felon with firearm).

21 (94) R.S. 14:95.1.2 (illegally supplying felon with ammunition).

22 (95) R.S. 14:95.1.3 (fraudulent firearm and ammunition purchase).

23 (96) R.S. 14:95.2 (carrying dangerous weapon on school property).

24 (97) R.S. 14:95.2(D)(2) (carrying dangerous weapon on school property;
25 weapon used in crime of violence).

26 (98) R.S. 14:95.2.1 (illegal carrying of firearm used in crime of violence at
27 parade).

28 (99) R.S. 14:95.3 (unlawful use or possession of body armor).

1 (100) R.S. 14:95.7(C)(1) (possession of or dealing in firearms with
2 obliterated numbers or marks; first offense).

3 (101) R.S. 14:95.8(B)(2) (illegal possession of gun by juvenile; second
4 conviction).

5 (102) R.S. 14:95.8(B)(3) (illegal possession of gun by juvenile; third or
6 subsequent conviction).

7 (103) R.S. 14:95.8(B)(4) (illegal possession of gun by juvenile; previously
8 adjudicated on crime of violence)

9 (104) R.S. 14:95.10 (possession of a firearm or carrying of a concealed
10 weapon by a person convicted of domestic abuse battery).

11 (105) R.S. 14:98.3(B) (operating vehicle while intoxicated; third conviction
12 and offender previously received parole, probation, or suspension of sentence).

13 (106) R.S. 14:98.3 (operating vehicle while intoxicated; third conviction).

14 (107) R.S. 14:98 (operating vehicle while intoxicated; third conviction and
15 R.S. 14:98(B) applies).

16 (108) R.S. 14:98 (operate vehicle while intoxicated; second conviction and
17 R.S. 14:98(B) applies).

18 (109) R.S. 14:98(C)(3) (operate vehicle while intoxicated; second conviction
19 and prior offense was vehicular homicide or negligent injuring).

20 (110) R.S. 14:99.1 (hit and run damaging a potable waterline).

21 (111) R.S. 14:101.1 (purchase or sale of human organs).

22 (112) R.S. 14:102.8 (injuring or killing of a police animal)

23 (113) R.S. 14:102.22 (harboring or concealing animal which has bitten a
24 human).

25 (114) R.S. 14:102.23(D)(2) (cockfighting; second offense).

26 (115) R.S. 14:106(G)(1), (2), or (3) (obscenity; first, second, third, or
27 subsequent offense).

28 (116) R.S. 14:106(G)(4) (obscenity; victim unmarried and under age
29 seventeen).

- 1 (117) R.S. 14:106.1 (promotion of obscene devices).
- 2 (118) R.S. 14:107.1(B)(3) (ritualistic acts).
- 3 (119) R.S.14:107.2 (hate crime; underlying offense is felony).
- 4 (120) R.S.14:108.2 (resisting police officer with force or violence).
- 5 (121) R.S. 14:108.1(E)(1) (aggravated flight from an officer).
- 6 (122) R.S. 14:110(B)(4) (simple escape from prison).
- 7 (123) R.S. 14:110(B)(3) (simple escape from home incarceration program).
- 8 (124) R.S. 14:110.1(C) (jumping bail, felonies).
- 9 (125) R.S. 14:110.1.1 (out-of-state bail jumping).
- 10 (126) R.S. 14:110.1.2(C) (providing false, nonexistent, or incomplete
11 declaration of residence for bail; underlying offense is a felony).
- 12 (127) R.S. 14:110.3(C)(2) (tampering with surveillance, accounting,
13 inventory, or monitoring systems, if the system is on premise of a correctional
14 facility).
- 15 (128) R.S.14:111 (assisting escape).
- 16 (129) R.S. 14:112.1 (false personation of a peace officer).
- 17 (130) R.S. 14:112.3 (fraudulent portrayal of a law enforcement officer or fire
18 fighter).
- 19 (131) R.S. 14:118 (public bribery).
- 20 (132) R.S. 14: 118.1 (bribery of sports participants).
- 21 (133) R.S. 14:122 (public intimidation).
- 22 (134) R.S. 14:123(C)(3) or (4) (perjury; civil actions and cases in which a
23 sentence other than death, life imprisonment, or imprisonment at hard labor may be
24 imposed).
- 25 (135) R.S. 14:125.2 (false statements concerning paternity).
- 26 (136) R.S. 14:126.1 (false swearing for purpose of violating public health or
27 safety).
- 28 (137) R.S. 14:126.2 (false swearing concerning denial of constitutional
29 rights).

- 1 (138) R.S. 14:126.3.1(C)(2) (unauthorized participation in medical assistance
2 program; underlying criminal conviction is a felony).
- 3 (139) R.S. 14:129(B)(1) (jury tampering; civil case).
- 4 (140) R.S. 14:129.1(C)(1) (intimidating, impeding, or injuring witnesses;
5 civil case).
- 6 (141) R.S. 14:129.1(C)(4) (intimidating, impeding, or injuring witnesses;
7 cases in which a sentence other than death, life imprisonment, or imprisonment at
8 hard labor may be imposed).
- 9 (142) R.S. 14:130.1(B)(3) (obstruction of justice; cases in which a sentence
10 other than death, life imprisonment, or imprisonment at hard labor may be imposed).
- 11 (143) R.S. 14:131 (compounding a felony).
- 12 (144) R.S. 14:132(C)(1) (injuring public records; first degree).
- 13 (145) R.S. 14:133 (filing or maintaining false public records).
- 14 (146) R.S. 14:133.6 (filing a false lien against a law enforcement or court
15 officer).
- 16 (147) R.S. 14:134 (malfeasance in office).
- 17 (148) R.S. 14:134.2 (malfeasance in office; tampering with evidence).
- 18 (149) R.S. 14:134.3 (abuse of office).
- 19 (150) R.S. 14:135 (public salary deduction).
- 20 (151) R.S. 14:136 (public salary extortion).
- 21 (152) R.S. 14:138 (public payroll fraud).
- 22 (153) R.S. 14:139 (political payroll padding).
- 23 (154) R.S. 14:139.1 (political payroll padding by sheriff).
- 24 (155) R.S. 14:139.2 (transfer of capital assets of court clerk's office
25 prohibited).
- 26 (156) R.S.14:140 (public contract fraud).
- 27 (157) R.S. 14:141 (prohibited splitting of profits, fees, or commissions).
- 28 (158) R.S. 14:202(C) (contractors, misapplication of payments prohibited,
29 amount greater than one thousand dollars).

1 (159) R.S. 14:202.1(C)(2) (residential contractor fraud; taking amounts to
2 a value of five hundred dollars or more but less than one thousand five hundred
3 dollars).

4 (160) R.S. 14:204.1(C)(1) (fire-raising in a correctional facility).

5 (161) R.S. 14:207(B)(1) (motor vehicles, alteration or removal of identifying
6 numbers).

7 (162) R.S. 14:207(B)(2) (motor vehicles, alteration or removal of identifying
8 numbers; second offense).

9 (163) R.S. 14:207(B)(3) (motor vehicles, alteration or removal of identifying
10 numbers; third or subsequent offense).

11 (164) R.S. 14:209 (seals, breaking prohibited).

12 (165) R.S. 14:218(C)(2) (seafood sales and purchases; commercial license
13 required; third offense).

14 (166) R.S. 14:220 (rented or leased motor vehicles; obtaining by false
15 representation; failure to return).

16 (167) R.S. 14:220.1(B)(2) (leased movables; obtaining by false
17 representation; failure to return; value is one thousand dollars or more).

18 (168) R.S. 14:221(B)(2) (avoiding payment for telecommunications, cable,
19 or multipoint distribution services; second offense).

20 (169) R.S. 14:222.1(E)(1)(b) and (2) (unauthorized interception, interference
21 with, or transmission of services offered over a cable television system; disrupting
22 services; second or subsequent conviction).

23 (170) R.S. 14:222.2(B) (cellular telephone counterfeiting; possession).

24 (171) R.S. 14:222.2(C) (cellular telephone counterfeiting; sale).

25 (172) R.S. 14:222.3 (unlawful use of cellular tracking device).

26 (173) R.S. 14:223 and 223.3(3) (sound reproductions without consent; one
27 hundred or more phonorecords).

28 (174) R.S. 14:223 and 223.3(4) (sound reproductions without consent;
29 second or subsequent violations).

1 (175) R.S. 14:223.5 and 223.3(3) (recording performances without consent;
2 one hundred or more phonorecords).

3 (176) R.S. 14:223.5 and 223.3(4) (recording performances without consent;
4 second or subsequent violations).

5 (177) R.S. 14:223.6 and 223.3(3)(sale of improperly labeled articles; one
6 hundred or more phonorecords)

7 (178) R.S. 14:223.6 and 223.3(4) (sale of improperly labeled articles; second
8 or subsequent offense).

9 (179) R.S. 14:223.7 and 223.3(3) (counterfeiting or possessing counterfeit
10 labels; one hundred or more labels).

11 (180) R.S. 14:223.7 and 223.3(4) (counterfeiting or possessing counterfeit
12 labels, second or subsequent offense).

13 (181) R.S. 14:223.8 and 223.3(2) (possession of tools for manufacturing
14 unauthorized sound recording; first offense).

15 (182) R.S. 14:223.8 and 223.3(4) (possession tools for manufacturing
16 unauthorized sound recording; second and subsequent offense).

17 (183) R.S. 14: 223.9(B)(2) (unlawful operation of a recording device, second
18 and subsequent offense).

19 (184) R.S. 14:225(B)(2) (institutional vandalism; damage amounts to five
20 hundred dollars or more but less than fifty thousand dollars).

21 (185) R.S. 14:229 (illegal use of counterfeit trademark).

22 (186) R.S. 14:230 (air bag fraud, violation for manufacture of bags, one
23 hundred thousand dollars or more).

24 (187) R.S. 14:230 (counterfeit and nonfunctional air bags; cumulative sales
25 price of the air bags or objects involved is at least five thousand dollars but less than
26 one hundred thousand dollars).

27 (188) R.S. 14:283(B)(2) (video voyeurism; second or subsequent offense).

28 (189) R.S. 14:283(B)(3) (video voyeurism; involving sexual intercourse).

29 (190) R.S. 14:283(B)(1) (video voyeurism).

- 1 (191) R.S. 14:283.2 (non-consensual disclosure of private image).
- 2 (192) R.S. 14:285(D) (telephone communications; improper language;
3 harassment; second or subsequent offense).
- 4 (193) R.S. 14:313 (masks or hoods, wearing in public places prohibited).
- 5 (194) R.S. 14:313.1 (distributing candy or gifts on Halloween and other
6 public holidays; sex offenders).
- 7 (195) R.S. 14:327(B)(4) or (5) (obstructing a fireman; act equivalent to
8 simple assault and all other cases not provided in R.S. 14:327(B)(1) through (3)).
- 9 (196) R. S. 14:329.1 and 329.7(B) (riot; bodily injury or significant property
10 damage occurs).
- 11 (197) R.S. 14:329.2 and 329.7(B) (inciting a riot; bodily injury or significant
12 property damage occurs).
- 13 (198) R.S. 14:329.3 and 329.7(B) (command to disperse, failure to comply;
14 bodily injury or significant property damage occurs).
- 15 (199) R.S. 14:329.4 and 329.7(B) (wrongful use of public property; bodily
16 injury or significant property damage occurs).
- 17 (200) R.S. 14:329.5 and 329.7(B) (interference with educational process;
18 bodily injury or significant property damage occurs).
- 19 (201) R.S. 14:329.6 and 329.7(B) (proclamation of state of emergency;
20 conditions thereof; bodily injury or significant property damage occurs).
- 21 (202) R.S. 14:336 (unlawful aiming of laser at an aircraft).
- 22 (203) R.S. 14:356 (sheriffs, etc.; solicitation of legal business).
- 23 (204) R.S. 14:356.1(unlawful referrals by wrecker drivers).
- 24 (205) R.S. 14:356.3 (unlawful referrals by ambulance drivers and others).
- 25 (206) R.S. 14:362, 368, and 369 (failure to register organizations).
- 26 (207) R.S. 14:363, 368, and 369 (failure to register individuals).
- 27 (208) R.S. 14:367, 368, and 369 (labeling of propaganda).

1 (209) R.S. 14:375(C)(2) (illegal consideration for criminal bail bonds;
2 amount charged or received is valued at one hundred dollars or more but not more
3 than four hundred ninety-nine dollars).

4 (210) R.S. 14:375(C)(1) (illegal consideration for criminal bail bonds;
5 amount charged or received is valued at five hundred dollars or more).

6 (211) R.S. 14:388 (false statements in affidavit as perjury (R.S.
7 14:123(C)(3)); trial in which any sentence other than death, life imprisonment or
8 imprisonment at hard labor may be imposed).

9 (212) R.S. 14:402(A) (introducing contraband into a correctional facility).

10 (213) R.S. 14:402(B) (possession of contraband in a correctional facility).

11 (214) R.S. 14:402(C) (sending contraband from a correctional facility).

12 (215) R.S. 14:402.1 (taking contraband to state owned hospitals).

13 (216) R.S. 14:404 (self mutilation by a prisoner).

14 (217) R.S. 14:511 (loan sharking).

15 G. The following offenses are "Class F" offenses:

16 (1) R.S. 14:26 (conspiracy; any crime other than one punishable by death or
17 life imprisonment).

18 (2) R.S. 14:27 (attempt; any offense other than as provided in R.S.
19 14:27(D)(2)(c)(ii)).

20 (3) R.S. 14:27(D)(1)(b) (attempt; offense punishable by death or life
21 imprisonment and victim is peace officer performing his duties).

22 (4) R.S. 14:27(D)(1)(a) (attempt; offense punishable by death or life
23 imprisonment).

24 (5) R.S. 14:43.1(C)(2) or (3) (sexual battery; when the victim is under age
25 thirteen; special conditions relative to the victim).

26 (6) R.S. 14:43.2 (C)(2) (second degree sexual battery; victim is under age
27 thirteen).

28 (7) R.S. 14:43.2(C)(3) (second degree sexual battery; special conditions
29 relative to the victim).

- 1 (8) R.S. 14:43.3(C)(2) (oral sexual battery; victim under age thirteen).
- 2 (9) R.S. 14:43.3(C)(3) (oral sexual battery; special conditions relative to the
3 victim).
- 4 (10) R.S. 14:46.2 (human trafficking).
- 5 (11) R.S. 14:46.3(D)(1)(c) (trafficking children for sexual purposes; offender
6 previously convicted of a sex offense with a minor).
- 7 (12) R.S. 14:46.3(D)(1)(a) or (2) (trafficking children for sexual purposes;
8 victim under age fourteen or offender is parent or custodian).
- 9 (13) R.S. 14:73.9 (criminal use of internet, virtual street map).
- 10 (14) R.S. 14:81.1(E)(2)(a) or (5) (possession or possession with intent to
11 distribute pornography involving juveniles; victim under age thirteen).
- 12 (15) R.S. 14:81.2(D) (molestation of a juvenile; victim under thirteen or is
13 a person with a physical or mental disability).
- 14 (16) R.S. 14:82.1(D)(2) (prostitution; victim under age fourteen).
- 15 (17) R.S. 14:82.2(C)(4) (purchase of commercial sexual activity; victim is
16 under age eighteen or a known victim of human trafficking).
- 17 (18) R.S. 14:82.2(C)(5) (purchase of commercial sexual activity; victim is
18 under fourteen).
- 19 (19) R.S. 14:87.3 (prohibited sale, receipt, or transport of fetal organs or
20 body parts).
- 21 (20) R.S. 14:89.1(C)(2) (aggravated crime against nature in violation of R.S.
22 14:89.1(A)(2); victim under age thirteen).
- 23 (21) R.S. 14:89.2(B)(3)(b) (crime against nature by solicitation; person
24 solicited is under age fourteen).
- 25 (22) R.S. 14:128.1(A)(5) (terrorism; intentional aggravated criminal damage
26 to property).
- 27 (23) R.S. 14:128.1(A)(4) (terrorism; aggravated arson).
- 28 (24) R.S. 14:128.1(A)(3) (terrorism; kidnaping).
- 29 (25) R.S. 14:128.1(A)(2) (terrorism; intentional infliction of bodily harm).

- 1 (26) R.S. 14:128.2 (aiding others in terrorism; aided act punishable by life
- 2 imprisonment).
- 3 (27) R.S. 14:128.2 (aiding other in terrorism; other cases).
- 4 (28) R.S. 14:129(B)(2)(b) (jury tampering; criminal cases not punishable by
- 5 death or life imprisonment).
- 6 (29) R.S. 14:282(B)(2) (operation of places of prostitution; persons under the
- 7 age of eighteen).
- 8 (30) R.S. 14:282(B)(3) (operation of places of prostitution; persons under the
- 9 age of fourteen).
- 10 (31) R.S. 14:327(C) (obstructing a fireman; attempted).

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 494 Original

2017 Regular Session

Marino

Abstract: Provides for the classification of criminal offenses and provides penalties based upon the classification of the criminal offense.

Each criminal offense provided for in present law imposes its own unique set of penalties and applies its own restrictions on how the sentence can be served, including eligibility for probation or parole.

Present law further provides for the number of jurors before which a case shall be tried based upon the type of penalty imposed. Cases punishable by death or life imprisonment shall be tried before a jury of 12 jurors, cases in which punishment is necessarily confinement at hard labor shall be tried before a jury of twelve jurors, and cases in which the punishment may be confinement at hard labor shall be tried before a jury of six jurors.

Proposed law classifies each offense as either "Capital", "Class A", "Class B", "Class C", "Class D", "Class E", or "Class F" and, based upon the class of the offense, provides a standard set of penalties and restrictions, and provides for the number of jurors before which the case shall be tried.

Proposed law provides that for crimes in "Class F", the penalties provided for in the statute that defines the offense shall apply.

Proposed law provides for the following relative to the classes of offenses:

Class	Sentence Range	Hard Labor	Ability to Suspend	Number of Jurors
Capital	Life sentence or death penalty	with	none	12

A	10 - 40 years	with	At least ten years shall be served without benefit of suspension.	12
B	2 - 4 years	with	If the offense is a crime of violence or a sex offense, the sentence cannot be suspended.	12
C	1 - 20 years	with	If the offense is a crime of violence or a sex offense, the sentence cannot be suspended.	12
D	1 - 10 years	with or without	all	6
E	1 - 5 years	with or without	all, a maximum of two years may be left unsuspended	6
F	miscellaneous offenses and penalties			

Proposed law classifies criminal offenses provided for in Title 14 of the La. Revised Statutes of 1950, and enumerates the offenses that belong in each class.

(Adds R.S. 14:28.2 and 28.3)