

SENATE COMMITTEE AMENDMENTS

2025 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 152  
by Senator Mizell

AMENDMENT NO. 1

On page 1, line 2, after "To" delete the remainder of the line and insert "enact Code of Criminal Procedure Art. 881.8 and 890.4 and Code of Evidence Art. 707,"

AMENDMENT NO. 2

On page 1, delete line 3

AMENDMENT NO. 3

On page 1, line 4, delete "894.1(G), and R.S. 14:18.1,"

AMENDMENT NO. 4

On page 1, line 5, after "defendants who are" delete the remainder of the line and insert "survivors of domestic abuse, sexual assault, human trafficking, or psychological abuse;"

AMENDMENT NO. 5

On page 1, line 6, delete "for defendants who are victims of certain crimes;"

AMENDMENT NO. 6

On page 1, at the beginning of line 7, delete "evidence" and insert "certain expert testimony"

AMENDMENT NO. 7

On page 1, delete lines 10 through 17 and insert:

"Section 1. Code of Criminal Procedure Art. 881.8 and 890.4 are hereby enacted to read as follows:

**Art. 881.8. Resentencing for survivors of domestic abuse, sexual assault, human trafficking, or psychological abuse**

**A. For the purposes of this Article:**

**(1) "Domestic abuse" shall have the same definition as in R.S. 46:2132, regardless of whether the conduct led to an arrest or conviction.**

**(2) "Human trafficking" shall be defined as the conduct prohibited by R.S.14:46.2 or R.S. 14:46.3, regardless of whether the conduct led to an arrest or conviction.**

**(3) "Sexual assault" shall have the same definition as in R.S. 46:2184, regardless of whether the conduct led to an arrest or conviction.**

**(4) "Psychological abuse" means real or threatened mental intimidation, threats, coercive control, economic or financial control, or humiliation that provokes fear of harm, when committed by survivor's family member, household member, or dating partner as those terms are defined in R.S. 46:2132, or by the perpetrator of sexual assault or human trafficking.**

**(5) "Survivor" means a person who was subjected to domestic abuse, human trafficking, sexual assault, or psychological abuse.**

**B. Notwithstanding any provision of law to the contrary, a defendant who meets the sentencing criteria set forth in Article 890.4, but was sentenced prior to August 1, 2025, and is serving a sentence on or after August 1, 2025, may file a motion for resentencing. The motion shall include:**

(1) Documentation showing that the person is presently serving a sentence for a felony offense not excluded by Article 890.4(C)(3), including, but not limited to, a master prison record or other document.

(2) Documentation showing that the person was sentenced prior to August 1, 2025, including, but not limited to, a minute entry of the sentencing court, court transcript, uniform commitment order, or other document.

(3) At least one item of evidence meeting the requirements of Article 890.4(D).

C. Upon filing of a motion for resentencing under this Article, the clerk of court shall promptly notify the district attorney and provide the district attorney with a copy of the motion.

D.(1) If the court finds that the defendant's motion fails to comply with the provisions of Paragraph B of this Article, it shall deny the motion without prejudice.

(2)(a) If the court finds that the defendant's motion complies with the provisions of Paragraph B of this Article, it shall conduct a resentencing hearing, at which the court shall receive and consider evidence and argument from the defendant and the state related to whether the applicant meets the requirements for resentencing under Article 890.4(C).

(b) After the resentencing hearing, if the court finds that the defendant meets the requirements for resentencing under Article 890.4(C), it shall vacate the original sentence and receive and consider any additional evidence and argument relevant to the imposition of a new sentence, if either party offers to present additional evidence or argument, and impose a reduced sentence as provided for in Article 890.4(C)(1).

(c) After the resentencing hearing, if the court finds that the defendant has not met the requirements for resentencing under Article 890.4(C), it shall deny the motion with prejudice.

(3) Upon motion by the defendant and the state, if there is no genuine issue of material fact, the court may determine that the defendant is eligible for resentencing and resentence the defendant without an evidentiary hearing.

E. When determining the reduced sentence to impose under the provisions of Article 890.4(C), the court shall consider the mitigating role of domestic abuse, sexual assault, human trafficking, or psychological abuse in the defendant's commission of the offense. The court may also consider any facts or circumstances relevant to the imposition of a new sentence submitted by the defendant or the state. The court may consider evidence of the defendant's rehabilitation since the initial sentencing, if evidence of rehabilitation is offered, but the defendant shall not be required to present evidence of rehabilitation. The court shall not order a new presentence investigation and report.

F. The court shall issue written findings of fact and reasons for its ruling on the defendant's motion.

G. The defendant shall have the right of appeal from an order denying the motion for resentencing or from a new sentence imposed under this Article.

H. A defendant who is resented under this Article shall be provided with credit for time served prior to the resentencing.

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Art. 890.4 Sentencing for survivors of domestic abuse, human trafficking, sexual assault, or psychological abuse

A. For the purposes of this Article:

(1) "Domestic abuse" shall have the same definition as in R.S. 46:2132, regardless of whether the conduct led to an arrest or conviction.

(2) "Human trafficking" shall be defined as the conduct prohibited by R.S.14:46.2 or R.S. 14:46.3, regardless of whether the conduct led to an arrest or conviction.

(3) "Sexual assault" shall have the same definition as in R.S. 46:2184, regardless of whether the conduct led to an arrest or conviction.

(4) "Psychological abuse" means real or threatened mental intimidation, threats, coercive control, economic or financial control, or humiliation that provokes fear of harm, when committed by survivor's family member, household member, or dating partner as those terms are defined in R.S. 46:2132, or by the perpetrator of sexual assault or human trafficking.

(5) “Survivor” means a person who was subjected to domestic abuse, human trafficking, sexual assault, or psychological abuse.

B. When imposing a sentence, the court shall consider as a mitigating factor whether the defendant is a survivor, and if so, the role that domestic abuse, human trafficking, sexual assault, or psychological abuse played in the defendant’s commission of the instant offense.

C.(1) Upon motion of the defendant and after a contradictory hearing, if the court finds by clear and convincing evidence that at the time of the offense the defendant was a survivor, and that domestic abuse, sexual assault, human trafficking, or psychological abuse was related to and a substantial contributing factor in causing the defendant to commit the offense, or to the defendant’s criminal behavior, the court shall depart from the otherwise applicable sentence for the offense as follows:

(a) A sentence of life imprisonment without the possibility of parole shall be reduced to not more than thirty years.

(b) A sentence of life imprisonment with the possibility of parole shall be reduced to not more than twenty-five years.

(c) A sentence of imprisonment for thirty years or more, but less than life, shall be reduced to not more than twenty years.

(d) A sentence of imprisonment for twenty years or more, but less than thirty years, shall be reduced to not more than fifteen years.

(e) A sentence of imprisonment for fifteen years or more, but less than twenty years, shall be reduced to not more than seven and one half years.

(f) A sentence of imprisonment for eight years or more, but less than fifteen years, shall be reduced to not more than five years.

(2) If the offense is a crime of violence as defined in R.S. 14:2(B), in order to be eligible for a reduced sentence pursuant to Subsubparagraph (1)(a) of this Paragraph, the defendant shall also be required to prove by clear and convincing evidence that the victim of the instant offense was the perpetrator of domestic abuse, sexual assault, human trafficking, or psychological abuse against the defendant, or that the perpetrator of domestic abuse, sexual assault, human trafficking, or psychological abuse against the defendant compelled the defendant’s participation in the instant offense through fraud, force, or coercion as defined in La. R.S. 14:46.2.

(3) The provisions of Subparagraphs (1) and (2) of this Paragraph shall not apply to a sentence for any of the following:

(a) A conviction that would require the person to register as a sex offender.

(b) A conviction for which the person may receive a sentence of death.

(c) A conviction under R.S. 14:40.1, 14:128.1, or 14:128.2.

D.(1) A defendant who moves to be sentenced under Paragraph C of this Article shall provide corroborating evidence in support of the motion. The fact that the evidence has previously been introduced at a prior court proceeding shall not be a basis for its exclusion as corroborating evidence.

(2) Corroborating evidence shall include one or more of the following:

(a) A court record.

(b) A presentence report.

(c) A social services record.

(d) A medical record.

(e) A sworn statement or prior testimony from a witness who is not the defendant.

(f) A law enforcement record.

(g) A video or audio recording of the perpetrator of domestic abuse, human trafficking, sexual assault, or psychological abuse.

(h) An electronic or written communication from the perpetrator of domestic abuse, human trafficking, sexual assault, or psychological abuse.

(3) In addition to the evidence described in Subparagraph (2) of this Paragraph, the defendant may introduce other evidence in support of the motion, including but not limited to the following:

(a) Records from a jail or the Department of Public Safety and Corrections.

(b) Documentation prepared at or near the time of the commission or prosecution of the offense tending to support the claims of the defendant.

(c) Verification of consultation with a licensed medical care provider or mental health care provider, employee of a court acting within the scope of his employment, member of the clergy, an attorney, a social worker, a rape crisis counselor, or other advocate acting on behalf of an agency that assists survivors of domestic abuse, sexual assault, human trafficking, or psychological abuse.

(d) Expert testimony from a psychiatrist, psychologist, social worker, mental health professional, or other expert in domestic abuse, sexual assault, human trafficking, or psychological abuse.

(e) Evidence that would be admissible in a criminal prosecution of the perpetrator of domestic abuse, sexual assault, human trafficking, or psychological abuse against the defendant, regardless of whether the perpetrator was or will be prosecuted for that conduct.

E.(1) If a defendant moves to be sentenced under Paragraph C of this Article, at the sentencing hearing the court shall first receive and consider evidence and argument from the defendant and the state related to whether the defendant meets the requirements set forth in Paragraph C of this Article.

(2) If the court finds that the defendant has met the requirements to be sentenced under Paragraph C of this Article, it shall receive and consider any additional evidence and argument relevant to sentencing, if either party offers to present additional evidence or argument, and impose a sentence under the provisions of that Paragraph. The court shall consider the mitigating role of domestic abuse, sexual assault, human trafficking, or psychological abuse when determining the sentence to impose under Paragraph C of this Article.

(3) If the court finds that the defendant has not met the requirements under Paragraph C of this Article, it shall deny the defendant's motion.

(4) The court may determine that the defendant is eligible for relief under this Article regardless of whether the defendant raised an affirmative defense to the charged offense. Upon request of both parties, if there is no genuine issue of material fact, the court may determine that the defendant is eligible for sentencing under this Article and sentence the defendant accordingly, without an evidentiary hearing.

F. The provisions of this Article shall apply to any defendant sentenced on or after August 1, 2025. A defendant sentenced prior to August 1, 2025, shall be eligible for relief pursuant to Article 881.8.

Section 2. Code of Evidence Art. 707 is hereby enacted to read as follows:

Art. 707. Expert testimony regarding survivors of domestic abuse, human trafficking, sexual assault, or psychological abuse

A witness who is qualified as an expert pursuant to Article 702 may testify in the form of an opinion as to whether a defendant was a survivor of domestic abuse, human trafficking, sexual assault, or psychological abuse, and as to the effect of that domestic abuse, human trafficking, sexual assault, or psychological abuse on the defendant. For purposes of this Article, "survivor" shall have the same definition as in Code of Criminal Procedure Articles 881.8 and 890.4."

AMENDMENT NO. 8

Delete pages 2 through 7