
DIGEST

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HB 219 Original

2026 Regular Session

Owen

Abstract: Permits the review of the sentence of a defendant convicted by a non-unanimous jury verdict.

Present law allows a criminal defendant to seek review and amendment of a sentence in limited circumstances.

Proposed law retains present law.

Proposed law provides that the legislature recognizes the La. Supreme Court decision in *State v. Reddick*, 2021-KP-01893 (La. 10/21/22), 351 So.3d 273, which declared that defendants convicted by a non-unanimous jury were unconstitutional.

Proposed law provides that it is the intent of the legislature to create a broader subset of individuals who are eligible for post-conviction review of sentences imposed by a non-unanimous jury.

Proposed law allows a criminal defendant to seek the review and amendment of a sentence based upon a non-unanimous jury verdict. Allows the court to vacate or resentence a defendant.

Proposed law requires a hearing to be set within 60 days if the court finds that the defendant was convicted of a felony, that the verdict was non-unanimous, that the defendant is still under sentence, and that the district attorney has not noticed an intent to retry the defendant.

Proposed law requires that all parties and the victim are notified within 30 days of the hearing. Further provides that the victim has the right to be present and to submit written or oral impact statements.

Proposed law provides for a rebuttable presumption that a new sentence that is no greater than the maximum term of imprisonment authorized at the time of conviction for the most serious lesser included offense of which the defendant could have been convicted is proper. Allows the district attorney to rebut the presumption by establishing, by clear and convincing evidence, that a sentence equal to one and one-half times the maximum sentence for the most serious lesser included offense is warranted and is not excessive.

Proposed law provides that no sentence imposed shall be enhanced nor used to enhance any prior conviction as a habitual offender, that the defendant shall receive full credit for all time served, and that the court may set the provisions deemed appropriate regarding parole eligibility and may grant

parole eligibility for any sentence that the court deems appropriate.

(Adds C.Cr.P. Art. 930.12)