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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

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SB 91 Original DIGEST Mizell  
2026 Regular Session

Proposed law provides resentencing relief for a defendant who is a survivor of domestic abuse, human trafficking, or sexual assault and whose experiences as a survivor were a substantial contributing factor to him committing the charged offense.

Proposed law defines "survivor" as a person who was subjected to domestic abuse, human trafficking, or sexual assault. Proposed law also establishes procedures that will allow a defendant who was sentenced prior to August 1, 2026, and is serving a sentence on or after August 1, 2026, to file a motion for resentencing seeking to have the court determine:

- (1) If the defendant's experiences as a survivor were a substantial contributing factor to committing the charged offense.
- (2) If the defendant is eligible for resentencing pursuant to proposed law.

Proposed law provides that the court will deny a defendant's motion for resentencing without prejudice if it fails to comply with proposed law.

Proposed law provides that, if the defendant's motion complies with proposed law, the court will conduct a contradictory resentencing hearing to determine if the defendant meets proposed law resentencing requirements.

Proposed law provides that if the defendant does not meet proposed law resentencing requirements, the court will deny the motion with prejudice.

Proposed law provides that the court may resentence the defendant without an evidentiary hearing if it receives a joint motion asserting that there is no genuine issue of material fact as to the defendant's status as a survivor or that the defendant's experiences as a survivor were a substantial contributing factor to commission of the charged offense.

Proposed law provides that the court will issue written findings of fact and reasons for its ruling on the defendant's motion.

Proposed law provides that, when resentencing a survivor pursuant to proposed law, the court will:

- (1) Not order a new presentence investigation.

- (2) Vacate the original sentence, receive and consider any additional evidence and arguments presented by either side that are relevant to the imposition of a new sentence, and impose a reduced sentence pursuant to proposed law.
- (3) Allow credit for time served by the defendant prior to resentencing.

Proposed law also provides that, when resentencing a survivor pursuant to proposed law, the court may consider:

- (1) Any fact or circumstances submitted by the survivor or the state relevant to the imposition of a new sentence.
- (2) Evidence of the defendant's rehabilitation since the initial sentencing.

Proposed law takes into account the experiences of a defendant who is a survivor of domestic abuse, human trafficking, or sexual assault that were a substantial contributing factor to commission of the charged offense.

Proposed law defines "survivor" as a person who was subjected to domestic abuse, human trafficking, or sexual assault.

Proposed law provides that, on motion of the defendant, the court will conduct a contradictory hearing to determine by clear and convincing evidence that:

- (1) The defendant was a survivor.
- (2) The defendant's experiences as a survivor were, at the time of the committing the offense, a substantial contributing factor to him committing the offense.

Proposed law provides that on or after August 1, 2026, the court will sentence a survivor whose experiences were a substantial contributing factor to the commission of the charged offense as follows:

- (1) A sentence of life imprisonment without the possibility of parole will be reduced to not more than 30 years. If the instant offense is a crime of violence as defined by present law, the survivor will be required to prove by clear and convincing evidence either that the victim of the instant offense was the perpetrator of domestic abuse, human trafficking, or sexual assault against the survivor, or that the perpetrator of domestic abuse, human trafficking, or sexual assault against the survivor compelled the survivor's participation in the instant offense through fraud, force, or coercion to receive a reduced sentence.
- (2) A sentence of life imprisonment with the possibility of parole will be reduced to not more than 25 years.
- (3) A sentence of imprisonment for 30 years or more, but less than life, will be reduced to not

more than 20 years.

- (4) A sentence of imprisonment for 20 years or more, but less than 30 years, will be reduced to not more than 15 years.
- (5) A sentence of imprisonment for 15 years or more, but less than 20 years, will be reduced to not more than seven and one-half years.
- (6) A sentence of imprisonment for eight years or more, but less than 15 years, will be reduced to not more than five years.

Proposed law provides exceptions to the sentencing provisions of proposed law for:

- (1) A conviction that will require the defendant to register as a sex offender.
- (2) Capital convictions.
- (3) A conviction for certain terrorism offenses.

Proposed law provides that a defendant who moves for sentencing pursuant to proposed law will provide certain corroborating evidence in support of the motion. Proposed law also provides that evidence provided to corroborate the motion will not be excluded based on it having been previously introduced at a prior court proceeding.

Proposed law provides that the court will deny a defendant's motion for sentencing under proposed law if it does not meet proposed law requirements.

Proposed law provides that the court may determine that a defendant is eligible for sentencing under proposed law even if the defendant asserted an affirmative defense to the crime charged.

Proposed law provides that, upon the assertion by both parties that there is no genuine issue of material fact, the court may determine that the defendant is eligible for sentencing under proposed law and sentence the defendant without an evidentiary hearing.

Proposed law provides that qualified experts are authorized to testify in the form of an opinion as to whether a defendant was a survivor of domestic abuse, human trafficking, or sexual assault and the effects of those experiences on the defendant.

Effective August 1, 2026.

(Adds C.Cr.P. Arts. 881.8 and 890.4 and C.E. Art. 707)