

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 732 by Representative Katrina Jackson

CRIMINAL/PROCEDURE: Authorizes the waiver of minimum mandatory sentences for certain offenses

Synopsis of Senate Amendments

1. Adds second degree battery, domestic abuse battery, stalking, first degree robbery, and feticide to the list of certain criminal offenses that are not eligible for waiver of minimum mandatory sentences pursuant to present law.

Digest of Bill as Finally Passed by Senate

Present law provides that if a felony or misdemeanor offense specifies a sentence with a minimum term of confinement or a minimum fine, or that the sentence shall be served without benefit of parole, probation, or suspension of sentence, the court, upon conviction, in sentencing the offender shall impose the sentence as provided in the penalty provisions for the offense unless either of the following occur:

- (1) The defendant enters a guilty plea pursuant to a negotiated plea agreement with the prosecution and the court which specifies that the sentence shall be served with benefit of parole, probation, or suspension of sentence or specifies a reduced fine or term of confinement.
- (2) The prosecution, the defendant, and the court enter into a post-conviction agreement, which specifies that the sentence shall be served with benefit of parole, probation, or suspension of sentence, or specifies a reduced fine or term of confinement.

Present law provides that these provisions shall not apply to a crime of violence or a sex offense.

Proposed law amends present law to prohibit the waiver of minimum mandatory sentences pursuant to present law for certain offenses.

(Amends C.Cr.P. Art. 890.1(D))