

2017 Regular Session

HOUSE BILL NO. 218

BY REPRESENTATIVE TERRY LANDRY

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

CRIMINAL/SENTENCING: Provides relative to habitual offender sentencing

1 AN ACT

2 To amend and reenact R.S. 15:529.1(A)(introductory paragraph) and (C), relative to
3 sentences for second and subsequent offenses; to provide relative to the sentencing
4 of persons who are convicted of an offense after having been previously convicted
5 of an offense; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:529.1(A)(introductory paragraph) and (C) are hereby amended
8 and reenacted to read as follows:

9 §529.1. Sentences for second and subsequent offenses; certificate of warden or clerk
10 of court in the state of Louisiana as evidence

11 A. Any person who, after having been convicted within this state of a felony,
12 or who, after having been convicted under the laws of any other state or of the
13 United States, or any foreign government of a crime which, if committed in this state
14 would be a felony, thereafter subsequently commits ~~any subsequent~~ certain felony
15 offenses within this state, upon conviction of said felony, shall be punished as
16 follows:

17 * * *

18 C.(1) The current offense shall not be counted as, respectively, a second,
19 third, fourth, or higher offense if ~~more than ten years have~~ sufficient time has elapsed
20 between the date of the commission of the current offense or offenses and the

1 expiration of the maximum sentence or sentences of the previous conviction or
2 convictions, or between the expiration of the maximum sentence or sentences of each
3 preceding conviction or convictions alleged in the multiple offender bill and the date
4 of the commission of the following offense or offenses.

5 (2) In computing the intervals of time as provided ~~herein~~ in this Section, any
6 period of parole, probation, or incarceration by a person in a penal institution, within
7 or without the state, shall not be included in the computation of ~~any of said ten-year~~
8 ~~periods~~ time between the expiration of the maximum sentence or sentences and the
9 next succeeding offense or offenses.

10 * * *

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 218 Original

2017 Regular Session

Terry Landry

Abstract: Provides relative to the sentencing of persons convicted of an offense after having been previously convicted of an offense.

Present law provides specific penalty provisions for any person who, after having been convicted of a felony offense, thereafter commits any subsequent felony within this state.

Present law provides that if more than ten years have elapsed between the date of the commission of the current offense and the expiration of the maximum sentence or sentences of the previous conviction or convictions, the current offense shall not be counted as a "subsequent" offense for purposes of this law.

Proposed law amends present law to provide that the specific penalty provisions provided in present law shall only apply to any person, who after having been convicted of a felony offense, thereafter subsequently commits certain felony offenses within this state.

Proposed law further amends present law to provide that the current offense shall not be counted as a "subsequent" offense for purposes of this law if sufficient time has elapsed between the date of the commission of the current offense and the expiration of the maximum sentence or sentences of the previous conviction or convictions.

(Amends R.S. 15:529.1(A)(intro. para.) and (C))