

SENATE FLOOR AMENDMENTS

2017 Regular Session

Amendments proposed by Senator Claitor to Engrossed Senate Bill No. 146 by Senator Claitor

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S." delete "15:529.1(C) and (G)," and insert "15:529.1(A)(1), (3),
3 and (4) and (C) and to enact R.S. 15:529.1(I) and (J),"

4 AMENDMENT NO. 2

5 On page 1, at the beginning of line 4, after "offenses; to provide for the" delete "suspension
6 of imposition or execution" and insert "reduction by the court"

7 AMENDMENT NO. 3

8 On page 1, line 8, after "R.S." delete "15:529.1(C) and (G)" and insert "15:529.1(A)(1), (3),
9 and (4) and (C)" and after "amended and reenacted" insert "and R.S. 15:529.1(I) and (J) are
10 hereby enacted"

11 AMENDMENT NO. 4

12 On page 1, delete lines 12 through 17, and delete page 2, and insert the following:

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

18 (1) If the second felony is such that upon a first conviction the offender
19 would be punishable by imprisonment for any term less than his natural life, then the
20 sentence to imprisonment shall be for a determinate term not less than ~~one-half~~ **one-**
21 **third** the longest term and not more than twice the longest term prescribed for a first
22 conviction.

23 * * *

24 (3) If the third felony is such that upon a first conviction, the offender would
25 be punishable by imprisonment for any term less than his natural life then:

26 (a) The person shall be sentenced to imprisonment for a determinate term not
27 less than ~~two-thirds~~ **one-half** of the longest possible sentence for the conviction and
28 not more than twice the longest possible sentence prescribed for a first conviction;
29 or

30 (b) If the third felony and the two prior felonies are felonies defined as a
31 crime of violence under R.S. 14:2(B), or a sex offense as defined in R.S. 15:540 et
32 seq. when the victim is under the age of eighteen at the time of commission of the
33 offense, ~~or as a violation of the Uniform Controlled Dangerous Substances Law~~
34 ~~punishable by imprisonment for ten years or more, or any other crimes punishable~~
35 ~~by imprisonment for twelve years or more; or any combination of such crimes, the~~
36 person shall be imprisoned for the remainder of his natural life, without benefit of
37 parole, probation, or suspension of sentence.

38 (4) If the fourth or subsequent felony is such that, upon a first conviction the
39 offender would be punishable by imprisonment for any term less than his natural life
40 then:

41 ~~(a) The person shall be sentenced to imprisonment for the fourth or~~
42 ~~subsequent felony for a determinate term not less than the longest prescribed for a~~
43 ~~first conviction but in no event less than twenty years and not more than his natural~~
44 ~~life; or~~

45 **If the fourth felony and no prior felony is defined as a crime of violence**
46 **under R.S. 14:2(B) or as a sex offense under R.S. 15:541, the person shall be**

imprisoned for not less than twenty years nor more than twice the longest possible sentence prescribed for a first conviction. If twice the possible sentence prescribed for a first conviction is less than twenty years, the person shall be imprisoned for twenty years; or

(b) If the fourth felony and two of the prior felonies are felonies defined as a crime of violence under R.S. 14:2(B), a sex offense as defined in R.S. 15:540 et seq. when the victim is under the age of eighteen at the time of commission of the offense, ~~or as a violation of the Uniform Controlled Dangerous Substances Law punishable by imprisonment for ten years or more, or of any other crime punishable by imprisonment for twelve years or more, or any combination of such crimes,~~ the person shall be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.

* * *

C.(1) The Except as provided in Paragraph (2) of this Subsection, the current offense shall not be counted as, respectively, a second, third, fourth, or higher offense if more than ten five years have elapsed between the date of the commission of the current offense or offenses and the expiration of the maximum sentence or sentences of correctional supervision for the previous conviction or convictions, or between the expiration of the maximum sentence or sentences of correctional supervision for each preceding conviction or convictions alleged in the multiple offender bill and the date of the commission of the following offense or offenses. In computing the intervals of time as provided herein, any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, shall not be included in the computation of any of said ten-year the five-year periods between the expiration of the maximum sentence or sentences correctional supervision and the next succeeding offense or offenses.

(2) The current offense shall not be counted as, respectively, a second, third, fourth, or higher offense if more than ten years have elapsed between the date of the commission of the current offense or offenses and the expiration of correctional supervision for a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or between the expiration of correctional supervision for each preceding conviction or convictions alleged in the multiple offender bill for a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 and the date of the commission of the following offense or offenses. In computing the intervals of time as provided herein, any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, shall not be included in the computation of any of the ten-year periods between the expiration of correctional supervision for a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 and the next succeeding offense or offenses.

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I. If the court finds that a sentence imposed under the provisions of this Section would be constitutionally excessive pursuant to the criteria set forth in State v. Dorthey, 623 So.2d 1276 (La. 1993), then the court shall state for the record the reasons for such finding and shall impose the most severe sentence that is not constitutionally excessive.

J. For purposes of this Section, "correctional supervision" means any period of parole, probation, or incarceration of a person in a penal institution, either within the state of Louisiana or outside of the state.

Section 2. This Act shall become effective November 1, 2017, and shall have prospective application only to offenders whose convictions became final on or after November 1, 2017."

AMENDMENT NO. 5

On page 3, delete lines 1 through 6