

or more, or any combination of such crimes, the person is to be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.

- (5) If the fourth or subsequent felony is such that, upon a first conviction the offender would be punishable by imprisonment for any term less than his natural life then:
- (a) The person is to be sentenced to imprisonment for the fourth or subsequent felony for a determinate term not less than the longest prescribed for a first conviction but in no event less than 20 years and not more than his natural life; or
 - (b) If the fourth felony and two of the prior felonies are felonies defined as a crime of violence under present law, a sex offense as defined in present law when the victim is under the age of 18 years at the time of commission of the offense, or as a violation of the Uniform Controlled Dangerous Substances Law punishable by imprisonment for 10 years or more, or of any other crime punishable by imprisonment for 12 years or more, or any combination of such crimes, the person is to be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.

Proposed law provides that any person who, after having been convicted within La. of a felony, or who, after having been convicted under the laws of any other state or of the U.S. or any foreign government of a crime which, if committed in La. would be a felony, thereafter commits any subsequent felony within La. upon conviction, with regard to a second felony such that upon a first conviction the offender would be punishable by imprisonment for any term less than his natural life, is to be sentenced to imprisonment for a determinate term not less than 1/3 instead of 1/2 the longest term and not more than twice the longest term prescribed for a first conviction.

Proposed law provides that if the third felony and the two prior felonies are felonies defined as a crime of violence under present law, a sex offense as defined in present law when the victim is under the age of 18 years at the time of commission of the offense, or any combination of such crimes, the person is to be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence. Proposed law deletes the present law application of life without parole to situations in which the third felony and the two prior felonies are either violations of the Uniform Controlled Dangerous Substances Law punishable by imprisonment for 10 years or more, or any other crimes punishable by imprisonment for 12 years or more.

Proposed law provides that if the fourth felony and no prior felony is defined as a crime of violence or as a sex offense under present law, then the person is to be imprisoned for not less than 20 years nor more than twice the longest possible sentence prescribed for a first conviction. Proposed law further provides that if twice the possible sentence prescribed for a first conviction is less than 20 years, then the person is to be imprisoned for 20 years.

Proposed law provides that if the fourth felony and two of the prior felonies are felonies defined as a crime of violence or as a sex offense under present law when the victim is under the age of 18 years

at the time of commission of the offense, the person is to be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.

Proposed law otherwise retains present law.

Present law provides that for purposes of the Habitual Offender Law, the current offense cannot be counted as, respectively, a second, third, fourth, or higher offense if more than 10 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 the previous conviction or convictions, or between the expiration of the maximum sentence or sentences of each preceding conviction or convictions alleged in the multiple offender bill and the date of the commission of the following offense or offenses ("cleansing period"). Present law further provides that in computing the intervals of time as provided in present law, any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, cannot be included in the computation of any of said 10-year periods between the expiration of the maximum sentence or sentences and the next succeeding offense or offenses.

Proposed law changes the cleansing period for offenses that are not crimes of violence or sex offenses under present law from 10 years to five years. Proposed law further changes the final date for calculating the cleansing period for all offenses whether or not crimes of violence or sex offenses from the expiration of the maximum sentence or sentences of the previous conviction or convictions to the expiration of the correctional supervision for each previous conviction.

Proposed law otherwise retains present law.

Proposed law provides that if the court finds that a sentence imposed under the provisions of present law or proposed law would be constitutionally excessive pursuant to the criteria set forth in *State v. Dorthey*, 623 So.2d 1276 (La. 1993), then the court must state for the record the reasons for such finding and impose the most severe sentence that is not constitutionally excessive.

Proposed law provides that for purposes of proposed law, "correctional supervision" means any period of parole, probation, or incarceration of a person in a penal institution, either within the state of La. or outside of the state.

Proposed law applies prospectively only to offenders whose convictions became final on or after 11/1/17.

Effective November 1, 2017.

(Amends R.S. 15:529.1(A)(1), (3), and (4) and (C); adds R.S. 15:529.1(I) and (J))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Adds provisions relative to specific penalty enhancements for second, third, and

fourth offenses.

2. Deletes the applicability of present law, relative to life without parole, to situations in which the third felony and two prior felonies are violations of either the Uniform Controlled Dangerous Substances Law punishable by imprisonment for 10 years or more or any other crimes punishable by imprisonment for 12 years or more.
3. Codifies criteria set forth in *State v. Dorthey*, 623 So.2d 1276 (La. 1993), relative to requirement that the court reduce constitutionally excessive sentences.
4. Deletes proposed law relative to court's discretion to suspend up to ½ of maximum sentence prescribed.
5. Defines "correctional supervision" for purposes of proposed law.
6. Proposed law applies prospectively only to offenders whose convictions became final on or after 11/1/17.