

2025 Regular Session

HOUSE BILL NO. 23

BY REPRESENTATIVE MUSCARELLO

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

CRIMINAL/PROCEDURE: Provides relative to post-sentence statements and documents

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 892(C), relative to post-sentence
3 statements and documents; to provide for the submission of certain statements to the
4 Department of Public Safety and Corrections; to authorize the adoption of certain
5 rules; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 892(C) is hereby amended and
8 reenacted to read as follows:

9 Art. 892. Post-sentence statement by sheriff; accompanying documents

10 * * *

11 C.(1) All statements and documents required by this Article shall physically
12 accompany any defendant when said defendant is transferred to a penal institution
13 or a mental institution or mental hospital. Said documents and statements shall be
14 tendered to the officer in charge of the institution at the time that the defendant is
15 presented for admittance thereto.

16 (2) For defendants who have been convicted of a felony conviction and
17 committed to the Department of Public Safety and Corrections, all statements and
18 documents required by this Article shall be submitted by the clerk of court of the
19 sentencing court electronically to the Department of Public Safety and Corrections
20 through such means as authorized by the secretary of the Department of Public

1 Safety and Corrections. The secretary of the Department of Public Safety and
2 Corrections shall have the authority to prepare, adopt, and promulgate rules and
3 regulations in accordance with the Administrative Procedure Act in order to carry out
4 the provisions of this Subsection.

5 * * *

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 23 Original

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Muscarello

Abstract: Provides that when a person is convicted of a felony, the clerk of court of the sentencing court shall electronically submit to the DPS&C certain prepared statements by the sheriff and may promulgate rules in order to do so.

Present law requires a sheriff to prepare a statement showing how long a defendant has spent in custody prior to a conviction.

Present law requires the clerk of court to prepare a copy of the indictment and a copy of the Uniform Sentencing Commitment Order and send them to the sheriff of the parish where the defendant is sentenced.

Proposed law requires the clerk of court to also send these documents electronically to the DPS&C.

(Amends C.Cr.P. Art. 892(C))