

2025 Regular Session

HOUSE BILL NO. 146

BY REPRESENTATIVE WILEY

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

CRIMINAL/HABIT OFFENDERS: Provides relative to the Habitual Offender Law

1 AN ACT

2 To amend and reenact R.S. 15:529.1(C)(1) and (2), relative to the habitual offender law; to
3 provide relative to the time period between the current and prior offense for the
4 habitual offender law to apply; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:529.1(C)(1) and (2) are hereby amended and reenacted to read as
7 follows:

8 §529.1. Sentences for second and subsequent offenses; certificate of warden or clerk
9 of court in the state of Louisiana as evidence

10 * * *

11 C.(1) Except as provided in Paragraphs (2) and (3) of this Subsection, the
12 current offense shall not be counted as, respectively, a second, third, fourth, or higher
13 offense if more than five years have elapsed between the date of the commission of
14 the current offense or offenses and the ~~expiration of the correctional supervision, or~~
15 ~~term of imprisonment if the offender is not placed on supervision following~~
16 ~~imprisonment, date of the completion of sentence, probation, parole, or suspension~~
17 of sentence for the previous conviction or convictions, or between the ~~expiration of~~
18 ~~the correctional supervision, or term of imprisonment if the offender is not placed~~
19 ~~on supervision following imprisonment, date of the completion of sentence,~~
20 probation, parole, or suspension of sentence for each preceding conviction or

1 convictions alleged in the multiple offender bill and the date of the commission of
2 the following offense or offenses. ~~In computing the intervals of time as provided in~~
3 ~~this Paragraph, any period of parole, probation, or incarceration by a person in a~~
4 ~~penal institution, within or without the state, shall not be included in the computation~~
5 ~~of any of the five-year periods between the expiration of the correctional supervision,~~
6 ~~or term of imprisonment if the offender is not placed on supervision following~~
7 ~~imprisonment, and the next succeeding offense or offenses. The following shall not~~
8 ~~be included in the computation of any of the five-year periods provided in this~~
9 Paragraph:

10 (a) Any period of time during which the offender was incarcerated in a penal
11 institution in this state or any other state.

12 (b) Any period of time during which the offender was under probation or
13 parole supervision in this state or any other state.

14 (2) Except as provided in Paragraph (3) of this Subsection, the current
15 offense shall not be counted as, respectively, a second, third, fourth, or higher
16 offense if more than ten years have elapsed between the date of the commission of
17 the current offense or offenses and the ~~expiration of correctional supervision, or term~~
18 ~~of imprisonment if the offender is not placed on supervision following~~
19 ~~imprisonment, date of the completion of sentence, probation, parole, or suspension~~
20 ~~of sentence for the previous conviction or convictions if the current offense or~~
21 ~~offenses or the previous conviction or convictions are for a crime of violence as~~
22 ~~defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or between the~~
23 ~~expiration of correctional supervision, or term of imprisonment if the offender is not~~
24 ~~placed on supervision following imprisonment, date of the completion of sentence,~~
25 ~~probation, parole, or suspension of sentence~~ for each preceding conviction or
26 convictions alleged in the multiple offender bill ~~for~~ and the date of the commission
27 of the following offense or offenses if the preceding conviction or convictions or the
28 following offense or offenses are a crime of violence as defined in R.S. 14:2(B) or
29 a sex offense as defined in R.S. 15:541 ~~and the date of the commission of the~~

Proposed law changes the particular point of time between the current felony offense and the previous conviction or convictions from the expiration of the correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment to the completion of sentence, probation, parole, or suspension of sentence for the previous conviction or convictions.

Proposed law further changes the particular point of time between the current felony offense and the previous conviction or convictions alleged in multiple bill proceedings from the expiration of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment to the date of the completion of sentence, probation, parole, or suspension of sentence for each preceding conviction or convictions alleged in the multiple offender bill.

Present law provides that 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 five-year periods between the expiration of the correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, and the next succeeding offense or offenses.

Proposed law amends present law to provide that the following shall not be included in the computation of any of the five-year periods provided in present law:

- (1) Any period of time during which the offender was incarcerated in a penal institution in this state or any other state.
- (2) Any period of time during which the offender was under probation or parole supervision in this state or any other state.

Present law provides that a current felony offense shall not 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 any of the following:

- (1) The expiration of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for a crime of violence as defined in present law (R.S. 14:2(B)) or a sex offense as defined in present law (R.S. 15:541).
- (2) The expiration of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for each preceding felony conviction or convictions alleged in the multiple offender bill for a crime of violence as defined in present law (R.S. 14:2(B)) or a sex offense as defined in present law (R.S. 15:541).
- (3) The date of the commission of the following offense or offenses.

Proposed law changes the particular point of time between the current felony offense and the previous conviction or convictions from the expiration of the correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment to the completion of sentence, probation, parole, or suspension of sentence for the previous conviction or convictions if the current offense or offenses or the previous conviction or convictions are for a crime of violence as defined in present law (R.S. 14:2(B)) or a sex offense as defined in present law (R.S. 15:541).

Proposed law further changes the particular point of time between the current felony offense and the previous conviction or convictions alleged in multiple bill proceedings from the expiration of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment to the date of the completion of sentence, probation,

parole, or suspension of sentence for each preceding conviction or convictions alleged in the multiple offender bill.

Proposed law changes the particular point of time between the current felony offense and the previous conviction or convictions from the date of the commission of the following offense or offenses to the date of the commission of the following offense or offenses if the preceding conviction or convictions or the following offense or offenses are for a crime of violence as defined in present law (R.S. 14:2(B)) or a sex offense as defined in present law (R.S. 15:541).

Present law further provides that 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 10-year periods between the expiration of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for a crime of violence as defined in present law (R.S. 14:2(B)) or a sex offense as defined in present law (R.S. 15:541) and the next succeeding offense or offenses.

Proposed law amends present law to provide that the following shall not be included in the computation of any of the 10-year periods provided in present law:

- (1) Any period of time during which the offender was incarcerated in a penal institution in this state or any other state.
- (2) Any period of time during which the offender was under probation or parole supervision in this state or any other state.

(Amends R.S. 15:529.1(C)(1) and (2))