
DIGEST

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HB 146 Engrossed

2025 Regular Session

Wiley

Abstract: Provides relative to habitual offenders.

Present law (R.S. 15:529.1) provides for the sentencing of second and subsequent felony offenses, otherwise known as "the Habitual Offender Law".

Proposed law retains present law generally.

Present law (R.S. 15:529.1(C)) provides that a current felony offense shall not be counted as a second, third, fourth, or higher offense if more than five years have elapsed between the date of the commission of the current offense or offenses and any of the following:

- (1) The expiration of the correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment for the previous conviction or convictions.
- (2) The expiration of the correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for each preceding conviction or convictions alleged in the multiple offender bill.
- (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.

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))