HLS 11RS-967 **ORIGINAL**

Regular Session, 2011

HOUSE BILL NO. 305

BY REPRESENTATIVE LIGI

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

CRIMINAL/PROCEDURE: Provides for the reduction of a defendant's sentence for substantial assistance in an investigation

AN ACT

To enact Code of Criminal Procedure Article 881.6, relative to sentencing; to provide for the reduction of a sentence when the defendant assists in an investigation or prosecution; to provide for definitions; to provide for time periods; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 881.6 is hereby enacted to read as follows:

Art. 881.6. Reducing a sentence for substantial assistance

A. Upon motion of the state made within one year of sentencing, the court may reduce the defendant's sentence if, after sentencing, the defendant provided substantial assistance in furtherance of the investigation or prosecution of another person.

B. Upon motion of the state made more than one year after sentencing, the court may reduce a sentence if the defendant's substantial assistance involved any of the following:

(1) Information not known to the defendant until one year or more after sentencing.

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(2) Information provided by the defendant to the state within one year of sentencing, but which did not become useful to the state until more than one year after sentencing.

(3) Information, the usefulness of which could not reasonably have been anticipated by the defendant until more than one year after sentencing, and which was promptly provided to the state after its usefulness was reasonably apparent to the defendant.

C. In evaluating whether the defendant has provided substantial assistance pursuant to the provisions of this Article, the court may consider the defendant's presentence assistance in furtherance of the investigation or prosecution.

D. The court may reduce the sentence as provided by the provisions of this Article to a time period which is less than the minimum sentence provided by law.

E. For purposes of this Article, "sentencing" means the oral announcement of the sentence.

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)]

Ligi HB No. 305

Abstract: Provides for the reduction of a criminal sentence for substantial assistance by the defendant in furtherance of the investigation or prosecution of another person.

Proposed law authorizes courts to reduce a defendant's sentence if the defendant provided substantial assistance in investigating or prosecuting another person.

Proposed law provides that the court may reduce the sentence to a time period which is less than the minimum sentence provided by law.

Proposed law defines "sentencing" as the oral announcement of the sentence.

(Adds C.Cr.P. Art. 881.6)

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