DIGEST

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Lopinto HB No. 414

Abstract: Amends provisions of law governing diminution of sentence (good time).

Present law provides for the awarding of credit for prior custody prior to the imposition of sentence at a maximum of 30 days of credit for any calendar month while serving consecutive sentences.

Proposed law changes present law as follows:

(1) A defendant shall receive credit only for time in actual custody once during any calendar month when consecutive sentences are imposed.

(2) No defendant shall receive credit for any time served prior to the commission of the crime.

(3) A defendant shall not receive credit for time served under home incarceration.

(4) A defendant shall not receive overlapping jail credit, except in the instance of concurrent sentences and then only for time spent in jail on the instant felony.

Proposed law provides that when a sheriff's post-sentence statement is required, the clerk of court shall include in the accompanying documents a copy of the Uniform Sentencing Commitment Order in the format authorized by the La. Supreme Court which shall include the name and address of the judge, the district attorney, and the defense attorney who participated in the sentencing trial.

Present law provides for inmates to earn diminution of sentence (good time) to reduce the amount of time they are incarcerated at a rate of 35 days for every 30 days in actual custody.

Proposed law changes this rate to 1-1/2 days for every one day in actual custody including time spent in custody with good behavior prior to sentence for the particular sentence imposed.

Provides that this provision of proposed law applies only to those persons sentenced on or after Aug. 15, 2011.

Present law provides for a rate of diminution of sentence for a first time offender convicted of a crime of violence of three days for every 17 days in actual custody.

Proposed law retains present law.

Proposed law provides that the awarding of credit for time served will be governed by the provisions of C.Cr.P. Art. 880.

Proposed law reorganizes present law.

(Amends C.Cr.P. Arts. 880 and 892(B)(1)(intro. para.) and (c) and R.S. 15:571.3(A)(1), (B)(1)(a), (2), and (3), and (C), 571.4, 571.5(A), 574.9(E), 828(B), and 833.1(E); Adds R.S. 15:571.3(B)(4); Repeals C.Cr.P. Art. 890.1 and R.S. 15:571.6 and 571.8)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Deleted provision capping the restoration of previously forfeited good time at 250 days.

2. Changed proposed law regarding diminution of sentence rate to apply only to those persons sentenced on or after Aug. 15, 2011.

3. Made technical changes.

4. Added that good time diminution of sentence shall include time spent in custody with good behavior prior to sentence for the particular sentence imposed.