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

C. If the court makes a determination to reduce the sentence to a time period which is less than the minimum sentence provided by law, that sentence shall not be imposed without the consent of the district attorney.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

D. 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 if the court reduces the sentence to a time period which is less than the minimum sentence provided by law, that sentence shall not be imposed without the consent of the district attorney.

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

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

Summary of Amendments Adopted by House

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

1. Removed all references in proposed law to the time period within which the motion shall be made.

2. Deleted provision which provided for special procedures when a motion was made more than one year after sentencing.

3. Authorized the court to consider postsentence assistance when evaluating whether a defendant has provided substantial assistance.

4. Added provision which states that in no event shall the defendant be resentenced for a time period less than that recommended by the district attorney.

House Floor Amendments to the engrossed bill.

1. Deleted provision prohibiting the defendant from being resentenced to a time period less than that recommended by the district attorney.

2. Provided that if the court reduces the sentence to a time period which is less than the minimum sentence provided by law, that sentence shall not be imposed without the consent of the district attorney.

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