HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 305 by Representative Ligi

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

Synopsis of Senate Amendments

1. Provided for a memorandum of understanding which shall be entered into by the district attorney and the defendant prior to the reduction of sentence.

2. Provided for limitations on the reduction of sentence for substantial assistance by a defendant.

2. Clarified that the court referred to in proposed law is the sentencing court.

3. Added a provision which requires the memorandum of understanding to be filed into the criminal record.

Digest of Bill as Finally Passed by Senate

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.

Proposed law requires the district attorney and the defendant to enter into a written memorandum of understanding prior to the defendant receiving a reduction of sentence.

Proposed law provides that the memorandum of understanding shall not be considered a grant of immunity from criminal prosecution.

Proposed law specifies the information to be included in the memorandum of understanding and further provides that the memorandum shall include the entirety of the agreement between the state and the defendant.

Proposed law provides that the memorandum of understanding shall describe the following:

(1) The responsibilities of the defendant relative to the substantial assistance provided in furtherance of an investigation or prosecution of another person.

(2) The responsibilities agreed to by the state relating to the reduction of the defendant's sentence.

Proposed law provides that when the defendant meets his obligation as described in the memorandum of understanding, the state shall move for a reduction of sentence in accordance with the memorandum of understanding.

(Adds C.Cr.P. Arts. 881.6 and 881.7)