

Regular Session, 2012

HOUSE BILL NO. 1116

BY REPRESENTATIVE BADON

CRIME: Increases the minimum mandatory sentence for second offense domestic abuse battery

1 AN ACT

2 To amend and reenact R.S. 14:35.3(D)(introductory paragraph), relative to domestic abuse
3 battery; to increase the minimum mandatory sentence for second offense domestic
4 abuse battery; to require participation in a domestic abuse prevention program; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:35.3(D)(introductory paragraph) is hereby amended and reenacted
8 to read as follows:

9 §35.3. Domestic abuse battery

10 * * *

11 D. On a conviction of a second offense, notwithstanding any other provision
12 of law to the contrary, regardless of whether the second offense occurred before or
13 after the first conviction, the offender shall be fined not less than seven hundred fifty
14 dollars nor more than one thousand dollars and shall be imprisoned for not less than
15 sixty days nor more than six months. At least ~~ninety-six hours~~ fourteen days of the
16 sentence imposed shall be served without benefit of parole, probation, or suspension
17 of sentence, and the offender shall be required to participate in a court-approved
18 domestic abuse prevention program. Imposition or execution of the remainder of the
19 sentence shall not be suspended unless either of the following occur:

20 * * *

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)]

Badon

HB No. 1116

Abstract: Increases the minimum mandatory sentence for second offense domestic abuse battery.

Present law provides that on a conviction of a second offense of domestic abuse battery, the offender shall be fined not less than \$750 nor more than \$1,000 and shall be imprisoned for not less than 60 days nor more than six months. At least 96 hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

Proposed law amends present law to increase the minimum mandatory sentence from 96 hours to 14 days without benefit of parole, probation, or suspension of sentence, and requires the offender to participate in a court-approved domestic abuse prevention program.

(Amends R.S. 14:35.3(D)(intro. para.))

Summary of Amendments Adopted by House

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

1. Decreased the minimum mandatory term of imprisonment in proposed law from 45 days to 14 days.
2. Added a requirement that the offender participate in a court-approved domestic abuse prevention program.