

Regular Session, 2013

HOUSE CONCURRENT RESOLUTION NO. 12

BY REPRESENTATIVE SMITH

CRIMINAL/PROCEDURE: Expresses intent of the legislature regarding Act No. 181 of the 2012 R.S.

1                                   A CONCURRENT RESOLUTION

2    To express the intent of the legislature regarding Act No. 181 of the 2012 Regular Session  
3           of the Legislature.

4           WHEREAS, R.S. 24:177(B)(2)(b) provides that the "legislature may express the  
5    intended meaning of a law in a duly adopted concurrent resolution, by the same vote and,  
6    except for gubernatorial veto and time limitations for introduction, according to the same  
7    procedures and formalities required for enactment of that law"; and

8           WHEREAS, during the 2012 Regular Session of the Legislature of Louisiana, Act  
9    No. 181 was enacted into law and authorized habitual offenders, in the custody of the  
10   Department of Public Safety and Corrections, who were not convicted of a crime of violence  
11   as defined in R.S. 14:2 or a sex offense as defined in R.S. 15:541, to earn additional good  
12   time for participation in certified treatment and rehabilitation programs; and

13           WHEREAS, Act No. 181 of the 2012 Regular Session of the Legislature, which took  
14   effect on August 1, 2012, does not specifically state whether the legislation may be applied  
15   to only those offenders who were sentenced as an habitual offender on or after August 1,  
16   2012, or whether it also applies to any offender who was previously "sentenced as an  
17   habitual offender" and who was "in the custody of the Department of Public Safety and  
18   Corrections" on August 1, 2012, the date that Act No. 181 took effect.

19           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
20   express its intent regarding the application of Act No. 181 of the 2012 Regular Session of  
21   the Legislature to mean that those offenders sentenced as an habitual offender and ordered

1 to the custody of the Department of Public Safety and Corrections on or after August 1,  
2 2012, and also those offenders who were sentenced prior to August 1, 2012, and who were  
3 in the custody of the Department of Public Safety and Corrections on August 1, 2012, shall  
4 be eligible to earn additional good time for participation in certified treatment and  
5 rehabilitation programs pursuant to Act No. 181 of the 2012 Regular Session of the  
6 Legislature.

7 BE IT FURTHER RESOLVED that the legislature hereby authorizes the secretary  
8 of the Department of Public Safety and Corrections to establish and promulgate rules,  
9 regulations, and procedures for the implementation of Act No. 181 of the 2012 Regular  
10 Session of the Legislature consistent with the intent set forth in this House Concurrent  
11 Resolution.

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#### 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)]

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Smith

HCR No. 12

Present law (R.S. 24:117(B)(2)) authorizes the legislature to express the intended meaning of a law in a duly adopted concurrent resolution, by the same vote and, except for gubernatorial veto and time limitations for introduction, according to the same procedures and formalities required for enactment of that law.

Present law, R.S. 15:571.3(C) which was amended and R.S. 15:828(C) which was enacted, pursuant to Act No. 181 of the 2012 R.S., authorizes habitual offenders, in the custody of the Dept. of Public Safety and Corrections, who were not convicted of a crime of violence or a sex offense, to earn additional good time for participation in certified treatment and rehabilitation programs.

Proposed resolution expresses the intent of the legislature regarding the application of Act No. 181 of the 2012 R.S. to be applied to those offenders sentenced as an habitual offender and ordered to the custody of the Dept. of Public Safety and Corrections on or after Aug. 1, 2012, and also to those offenders who were sentenced prior to Aug. 1, 2012, and who were in the custody of the Dept. of Public Safety and Corrections on Aug. 1, 2012, the effective date of the Act.