

Regular Session, 2014

HOUSE BILL NO. 679

BY REPRESENTATIVE KATRINA JACKSON

CRIMINAL/SENTENCING: Provides relative to the policies, duties, powers, and reports of the Louisiana Sentencing Commission

1 AN ACT

2 To amend and reenact R.S. 15:321(A), (B), (C), (D), and (E), relative to the Louisiana  
3 Sentencing Commission; to provide relative to the findings of the legislature with  
4 regard to sentencing policy and procedure; to provide relative to the adoption of  
5 sentencing policies; to provide relative to the duties of the Louisiana Sentencing  
6 Commission; to require the Louisiana Sentencing Commission to monitor and report  
7 on compliance with sentencing standards; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:321(A), (B), (C), (D), and (E) are hereby amended and reenacted  
10 to read as follows:

11 §321. Purpose; duties of the commission; conducting of evaluation of sentencing  
12 structure; report

13 A. The legislature recognizes the following:

14 (1) The enactment of statutes defining criminal offenses and the  
15 establishment of ranges of penalties for those offenses is a matter of substantive law  
16 solely within the prerogative of the legislature. The determination and imposition  
17 of sentence in particular cases is generally the function of the sentencing court,  
18 subject to appellate review and to mandatory sentences provided by law.

19 ~~B. (2) The legislature has determined that the best interest of the state would~~  
20 be served by the development and implementation of a uniform sentencing policy for

1 use by the Louisiana judiciary. The purpose of the Louisiana Sentencing  
2 Commission is to assist the judiciary and the legislature in formulating such policy.

3 ~~C.B.~~ The legislature ~~further determines all of~~ adopts the following with  
4 regard to sentencing policy in this state:

5 (1) Criminal sentences should appropriately reflect the seriousness of the  
6 offender's crime and should meet the multiple objectives of punishment, deterrence,  
7 and rehabilitation.

8 (2) An equitable system of criminal justice must ensure that crimes of similar  
9 seriousness result in similar sanctions for similarly situated offenders.

10 (3) Significant disparities in how similar crimes are treated diminish the  
11 public's trust and faith in our criminal justice system.

12 (4) The system of criminal sanctions in the state of Louisiana has grown  
13 increasingly complex.

14 (5) A comprehensive review of Louisiana's sentencing structure will provide  
15 the state with crucial guidance to ensure the imposition of appropriate and just  
16 criminal sanctions and to make the most efficient use of the correctional system and  
17 community resources.

18 ~~D.C.~~ The commission shall conduct a continuous review of the state's  
19 sentencing structure based upon existing criminal law and law relative to criminal  
20 procedure. The commission may recommend such legislation as may be necessary  
21 and appropriate to achieve a uniform sentencing policy that ensures public safety and  
22 the imposition of appropriate and just sentences in terms that are clear and  
23 transparent and which make the most efficient use of the correctional system and  
24 community resources.

25 E.D. The commission shall conduct a comprehensive review of Louisiana's  
26 current sentencing structure, sentencing practices, probation and parole supervision,  
27 and the use of alternatives to incarceration, including a review and evaluation of all  
28 of the following:

(1) The existing statutory provisions by which an offender is sentenced to or can be released from incarceration, including but not limited to home incarceration, electronic monitoring, unsupervised and supervised parole and probation, good time diminution of sentence, intensive incarceration and intensive parole supervision, and work-release programs.

(2) The existing sentencing provisions as to their uniformity, certainty, consistency, and adequacy.

(3) The lengths of incarceration and parole and probation supervision that result from the current sentence structure and the incentives or barriers to the appropriate utilization of alternatives to incarceration.

(4) The extent to which education, job training, and reentry preparation programs can both facilitate the readiness of inmates to transition into the community and reduce recidivism.

(5) The impact of existing sentences upon the state criminal justice system, including state prison capacity, parish jail capacity, probation and parole resources, judicial operations, and law enforcement responsibilities.

(6) The relationship that a sentence or other criminal sanction has to public safety and the likelihood of recidivism.

(7) The expected future trends in sentencing.

E. The commission shall monitor compliance with sentencing standards set forth in the provisions of this Section, assess their impact on the correctional resources of the state, and determine if the sentencing practices further these standards. Any recommendations the commission may have for amendments to state law that are based upon their findings pursuant to the provisions of this Subsection may be included in the biannual issuance of recommendations required by the provisions of Subsection G of this Section.

\* \* \*

---

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)]

---

Katrina Jackson

HB No. 679

**Abstract:** Provides relative to the policies, duties, powers, and reports of the Louisiana Sentencing Commission.

Present law provides for the creation of the La. Sentencing Commission with the purpose of assisting the legislature and the judiciary in formulating consistent and uniform sentencing policies, and further provides that the commission shall annually review the state's sentencing structure and recommend changes as appropriate.

Present law requires the La. Sentencing Commission to make biannual recommendations for amendments to state law that will maximize uniformity, certainty, consistency, and adequacy of the sentencing structure.

Proposed law retains present law and requires the La. Sentencing Commission to monitor compliance with sentencing standards set forth in present law, assess their impact on the correctional resources of the state, and determine if the sentencing practices further these standards. Proposed law further provides that any recommendations that are based upon the La. Sentencing Commission's findings pursuant to proposed law may be included in the biannual issuance of recommendations required by present law.

(Amends R.S. 15:321(A), (B), (C), (D), and (E))