
DIGEST

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HB 317 Original

2016 Regular Session

Ivey

Abstract: Increases penalties for certain offenses when a firearm is possessed, discharged, or used.

Present law provides additional penalties for criminal certain offenses when a firearm is possessed, discharged, or used.

Present law requires that the district attorney file a motion to invoke these additional penalties and requires a contradictory hearing. Requires the district attorney to establish by clear and convincing evidence that a firearm was possessed, discharged, or used.

Present law provides for additional penalties of two years if the firearm was possessed, five years if the firearm was used, 10 years if the firearm was discharged, 15 years if the firearm was discharged and caused injury, and 20 years if the felony was a violent felony.

Present law provides that if the additional penalty exceeds the maximum penalty of the underlying offense, then the court shall impose the maximum sentence.

Proposed law increases the additional penalty to five years if the firearm was possessed, 10 years if the firearm was used, 15 years if the firearm was discharged, 20 years if the firearm caused bodily injury, and 25 years if it was a violent felony.

(Amends C.Cr.P. Art. 893.3(A), (B), (C), (D), and (E)(1)(a))