The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST

SB 142 Engrossed   2022 Regular Session   Morris

Present law prohibits a court from waiving the minimum mandatory sentence for certain crimes of violence.

Present law provides enhanced penalties for second and subsequent felony convictions under certain circumstances (Habitual Offender Law).

Proposed law prohibits a court from waiving the minimum mandatory sentence for all crimes of violence.

Proposed law retains present law and provides that a defendant who has a second or subsequent felony offense, except those sentenced to life imprisonment, when the defendant has a prior crime of violence or sex offense, or the current conviction is a crime of violence or sex offense, will serve an additional term of imprisonment for five years consecutive to the second or subsequent felony sentence.

Proposed law further provides that a defendant who has a second or subsequent felony offense, except those sentenced to life imprisonment, when either the current crime of conviction or any prior felony is both a crime of conviction or sex offense, will serve an additional term of imprisonment for 15 years consecutive to the second or subsequent felony sentence.

Effective August 1, 2022.

(Amends C.Cr.P. Art. 890.1(D); adds R.S. 15:529.1(A)(5))

Summary of Amendments Adopted by Senate

    Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1.   Delete proposed law requiring that the second or subsequent offense be committed within seven years of the first offense and be committed after the effective date of proposed law.

2..   Add enhanced penalty of five years hard labor when a defendant has a second or subsequent felony offense and a prior crime of violence or sex offense or current conviction is a crime of violence or sex offense, consecutive to the second or subsequent felony sentence.