
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Murray (SB 286)

Present law defines and enumerates certain "crimes of violence."

Proposed law retains present law.

Proposed law provides that when a court imposes a sentence it is to state in the sentencing minutes whether the offender is sentenced for a crime of violence as defined or enumerated in present law.

Proposed law sets forth the following list of present law crimes that are to be designated by the court as crimes of violence in the sentencing minutes:

- (1) Solicitation for murder.
- (2) First degree murder.
- (3) Second degree murder.
- (4) Manslaughter.
- (5) Disarming of a peace officer.
- (6) Aggravated second degree battery.
- (7) Assault by drive-by shooting.
- (8) Aggravated assault with a firearm.
- (9) Aggravated rape.
- (10) Forcible rape.
- (11) Simple rape.
- (12) Sexual battery.
- (13) Second degree sexual battery.
- (14) Intentional exposure to AIDS virus.

- (15) Aggravated kidnapping.
- (16) Second degree kidnapping.
- (17) Human trafficking.
- (18) Trafficking of children for sexual purposes.
- (19) Aggravated arson.
- (20) Home invasion.
- (21) Armed robbery.
- (22) Carjacking.
- (23) Armed robbery using a firearm.
- (24) Second degree robbery.
- (25) Aggravated incest.
- (26) Second degree cruelty to juveniles.
- (27) Terrorism.

Proposed law provides that the court may designate any other crime of violence defined or enumerated in present law as a crime of violence in the sentencing minutes upon the written recommendation of the prosecution.

Present law provides relative to suspension and deferral of sentences and probation in felony cases and makes reference to present law crimes of violence.

Proposed law changes references to crimes of violence in present law to correspond to references to crimes of violence in proposed law relative to sentencing for crimes of violence in sentencing minutes. Proposed law otherwise retains present law.

Present law provides relative to drug division probation programs and the ineligibility of certain defendants to participate in such programs if convicted of a crime of violence.

Proposed law changes references to crimes of violence in present law to correspond to references to crimes of violence in proposed law relative to sentencing for crimes of violence in sentencing minutes. Proposed law otherwise retains present law.

Present law provides relative to the sentencing of habitual offenders and provides relative to

sentencing offenders convicted of third offenses that are crimes of violence under present law.

Proposed law changes references to crimes of violence in present law to correspond to references to crimes of violence in proposed law relative to sentencing for crimes of violence in sentencing minutes. Proposed law otherwise retains present law.

Present law provides relative to diminution of sentence for good behavior and further provides that diminution of sentence is not allowed for an inmate if the instant offense is second offense crime of violence as defined by present law.

Proposed law changes references to crimes of violence in present law to correspond to references to crimes of violence in proposed law relative to sentencing for crimes of violence in sentencing minutes. Proposed law otherwise retains present law.

Present law provides relative to the Board of Pardons and the committee on parole. Present law further provides that the committee on parole may grant parole under certain circumstances, provided that the offender has not been convicted of a crime of violence as defined in present law or a sex offense as defined in present law.

Proposed law changes references to crimes of violence in present law to correspond to references to crimes of violence in proposed law relative to sentencing for crimes of violence in sentencing minutes. Proposed law otherwise retains present law.

Present law provides relative to parole eligibility and provides that to be eligible for parole under certain circumstances, the offender cannot have been convicted of a crime of violence as defined in present law.

Proposed law changes references to crimes of violence in present law to correspond to references to crimes of violence in proposed law relative to sentencing for crimes of violence in sentencing minutes. Proposed law otherwise retains present law.

Proposed law provides relative to revocation of parole for violation of conditions of parole.

Proposed law changes references to crimes of violence in present law to correspond to references to crimes of violence in proposed law relative to sentencing for crimes of violence in sentencing minutes. Proposed law otherwise retains present law.

Present law provides relative to inmate reentry preparation programs.

Proposed law changes references to crimes of violence in present law to correspond to references to crimes of violence in proposed law relative to sentencing for crimes of violence in sentencing minutes. Proposed law otherwise retains present law.

Present law provides an inmate entrepreneurial educational curriculum to eligible offenders, and further provides that an offender convicted of a crime of violence as defined in present law is not

eligible for participation in the program.

Proposed law changes references to crimes of violence in present law to correspond to references to crimes of violence in proposed law relative to sentencing for crimes of violence in sentencing minutes. Proposed law otherwise retains present law.

Present law provides relative to community resource centers for inmates.

Proposed law changes references to crimes of violence in present law to correspond to references to crimes of violence in proposed law relative to sentencing for crimes of violence in sentencing minutes. Proposed law otherwise retains present law.

Present law provides relative to the eligibility for certain inmate rehabilitation programs.

Proposed law changes references to crimes of violence in present law to correspond to references to crimes of violence in proposed law relative to sentencing for crimes of violence in sentencing minutes. Proposed law otherwise retains present law.

Effective August 1, 2014.

(Amends C.Cr.P. Art. 893(A) and (E)(1)(b), R.S. 13:5304(B)(10)(a) and (b), and R.S. 15:529.1(A)(3)(b), 571.3(A)(1), (B)(1)(a) and (2) and (D), 574.2(C)(2)(a), 574.4(A)(1)(b)(i) and (4)(a) and (B)(1), 574.9(G)(1)(b)(i), 827.1(E)(3) and (4), 833.1(D), and 1199.7(C); adds C.Cr.P. Art. 890.3 and R.S. 15:827.1(E)(5) and 1199.7(D))