

Regular Session, 2010

HOUSE BILL NO. 245

BY REPRESENTATIVE LEGER

CORRECTIONS: Provides that criminal sentences shall run concurrently unless a consecutive sentence is ordered by the court

1 AN ACT

2 To amend and reenact R.S. 15:574.10 and Code of Criminal Procedure Article 883, relative
3 to criminal sentencing; to provide that criminal sentences shall be served
4 concurrently unless a consecutive sentence is directed by the court; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:574.10 is hereby amended and reenacted to read as follows:

8 §574.10. Conviction of a felony while on parole

9 When a person is convicted in this state of a felony committed while on
10 parole or is convicted under the laws of any other state or of the United States or any
11 foreign government or country of an offense committed while on parole, and which
12 if committed in this state would be a felony, his parole shall be deemed revoked as
13 of the date of the commission of the felony or such offense under the laws of the
14 other jurisdiction. His parole officer shall inform the sentencing judge of the fact
15 that the convicted defendant is a parole violator. The term for which the defendant
16 shall be imprisoned as a parole violator shall be the same as that provided in cases
17 of revocation of parole for violation of the conditions of parole. The new sentence
18 of imprisonment shall be served ~~consecutively~~ concurrently to the term of
19 imprisonment for violation of parole unless a ~~concurrent~~ consecutive term of
20 imprisonment is directed by the court. An appeal by the defendant on the new

1 conviction or sentence shall not suspend the revocation provisions of this Section,
2 unless the defendant has been admitted to post-conviction bail on the new sentence
3 of imprisonment. In the event of a successful appeal of the new conviction or
4 sentence, the state shall be liable for any loss of income sustained by the defendant
5 due to such revocation of parole.

6 Section 2. Code of Criminal Procedure Article 883 is hereby amended and reenacted
7 to read as follows:

8 Art. 883. Concurrent and consecutive sentences

9 If the defendant is convicted of two or more offenses based on the same act
10 or transaction, or constituting parts of a common scheme or plan, the terms of
11 imprisonment shall be served concurrently unless the court expressly directs that
12 some or all be served consecutively. Other sentences of imprisonment shall also be
13 served ~~consecutively~~ concurrently unless the court expressly directs that some or all
14 of them be served ~~concurrently~~ consecutively. In the case of the concurrent
15 sentence, the judge shall specify, and the court minutes shall reflect, the date from
16 which the sentences are to run concurrently.

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)]

Leger

HB No. 245

Abstract: Provides that criminal sentences shall be served concurrently unless a consecutive sentence is ordered by the sentencing court.

Present law provides for parole revocation when a person is convicted of certain offenses committed while on parole. Further provides that the term for which the defendant shall be imprisoned as a parole violator shall be the same as that provided in cases of revocation of parole for violation of the conditions of parole.

Present law provides that the new sentence of imprisonment shall be served consecutively to the term of imprisonment for violation of parole unless a concurrent term of imprisonment is directed by the court.

Proposed law changes present law to provide that the sentence shall be served concurrently unless a consecutive term is ordered by the court.

Present law provides that if a defendant is convicted of two or more offenses based on the same act or transaction, or constituting parts of a common scheme or plan, the terms of

imprisonment shall be served concurrently unless the court expressly directs that some or all be served consecutively. Other sentences of imprisonment shall be served consecutively unless a concurrent sentence is ordered by the court.

Proposed law changes present law to provide that all criminal sentences be served concurrently unless a consecutive sentence is ordered by the court.

(Amends R.S. 15:574.10 and C.Cr.P. Art. 883)