

Regular Session, 2010

HOUSE BILL NO. 609

BY REPRESENTATIVE WHITE

CRIME: Provides with respect to the crime of home invasion

1 AN ACT

2 To amend and reenact R.S. 14:62.8(B)(2) and to enact R.S. 14:2(B)(42), relative to the crime
3 of home invasion; to require that the sentence imposed for the crime of home
4 invasion shall be served at hard labor; to add the crime of home invasion to the list
5 of enumerated crimes of violence; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:62.8(B)(2) is hereby amended and reenacted and R.S. 14:2(B)(42)
8 is hereby enacted to read as follows:

9 §2. Definitions

10 * * *

11 B. In this Code, "crime of violence" means an offense that has, as an
12 element, the use, attempted use, or threatened use of physical force against the
13 person or property of another, and that, by its very nature, involves a substantial risk
14 that physical force against the person or property of another may be used in the
15 course of committing the offense or an offense that involves the possession or use
16 of a dangerous weapon. The following enumerated offenses and attempts to commit
17 any of them are included as "crimes of violence":

18 * * *

19 (42) Home invasion.

20 * * *

1 §62.8. Home invasion

2 * * *

3 B.

4 * * *

5 (2) Whoever commits the crime of home invasion when, at the time of the
6 unauthorized entering, there is present in the dwelling or structure any person who
7 is under the age of twelve years, is sixty-five years of age or older, or who has a
8 developmental disability as defined in R.S. 28:451.2, shall be fined not more than ten
9 thousand dollars and shall be imprisoned at hard labor for not less than ten nor more
10 than twenty-five years; ~~at.~~ At least ten years of the sentence imposed shall be served
11 without benefit of parole, probation, or suspension of sentence.

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)]

White

HB No. 609

Abstract: Clarifies that the crime of home invasion is a felony and adds home invasion to the list of crimes of violence.

Present law provides for penalties for the crime of home invasion include imprisonment at hard labor for not less than five nor more than 20 years. Further provides for a sentence of imprisonment for 10 to 25 years when, at the time of the unauthorized entering, there is present in the dwelling or structure any person who is under the age of 12 years, is 65 years of age or older, or who has a developmental disability.

Proposed law retains present law except it requires that the sentence of 10 to 25 years shall be served at hard labor.

Present law provides that the following list of crimes be designated as "crimes of violence": solicitation for murder; first degree murder; second degree murder; manslaughter; aggravated battery; second degree battery; aggravated assault; mingling harmful substances; aggravated rape; forcible rape; simple rape; sexual battery; second degree sexual battery; intentional exposure to AIDS virus; aggravated kidnapping; second degree kidnapping; simple kidnapping; aggravated arson; aggravated criminal damage to property; aggravated burglary; armed robbery; first degree robbery; simple robbery; purse snatching; extortion; assault by drive-by shooting; aggravated crime against nature; carjacking; illegal use of weapons or dangerous instrumentalities; terrorism; aggravated second degree battery; aggravated assault upon a peace officer with a firearm; aggravated assault with a firearm; armed robbery; use of firearm; second degree robbery; disarming of a peace officer; stalking; second degree cruelty to juveniles; aggravated flight from an officer; aggravated incest; and battery of a police officer.

Proposed law retains present law and adds the crime of home invasion to the list of crimes of violence.

(Amends R.S. 14:62.8(B)(2); Adds R.S. 14:2(B)(42))