



1 imposes a sentence it shall state in the sentencing minutes whether the offender  
2 is sentenced for a crime of violence as defined or enumerated in R.S. 14:2(B).

3 B. The court shall designate the following as crimes of violence in the  
4 sentencing minutes:

- 5 (1) R.S. 14:28.1, solicitation for murder.  
6 (2) R.S. 14:30, first degree murder.  
7 (3) R.S. 14:30.1, second degree murder.  
8 (4) R.S. 14:31, manslaughter.  
9 (5) R.S. 14:34.6, disarming of a peace officer.  
10 (6) R.S. 14:34.7, aggravated second degree battery.  
11 (7) R.S. 14:37.1, assault by drive-by shooting.  
12 (8) R.S. 14:37.4, aggravated assault with a firearm.  
13 (9) R.S. 14:42, aggravated rape.  
14 (10) R.S. 14:42.1, forcible rape.  
15 (11) R.S. 14:43, simple rape.  
16 (12) R.S. 14:43.1, sexual battery.  
17 (13) R.S. 14:43.2, second degree sexual battery.  
18 (14) R.S. 14:43.5, intentional exposure to AIDS virus.  
19 (15) R.S. 14:44, aggravated kidnapping.  
20 (16) R.S. 14:44.1, second degree kidnapping.  
21 (17) R.S. 14:46.2, human trafficking.  
22 (18) R.S. 14:46.3, trafficking of children for sexual purposes.  
23 (19) R.S. 14:51, aggravated arson.  
24 (20) R.S. 14:62.8, home invasion.  
25 (21) R.S. 14:64, armed robbery.  
26 (22) R.S. 14:64.2, carjacking.  
27 (23) R.S. 14:64.3, armed robbery using a firearm.  
28 (24) R.S. 14:64.4, second degree robbery.  
29 (25) R.S. 14:78.1, aggravated incest.



1 under the age of seventeen years, or for a violation of the Uniform Controlled  
2 Dangerous Substances Law that is punishable by a term of imprisonment of more  
3 than five years, or for a violation of R.S. 40:966(A), 967(A), 968(A), 969(A), or  
4 970(A), or for a defendant who was sentenced for a crime of violence as  
5 provided by Code of Criminal Procedure Article 890.3.

6 \* \* \*

7 Section 2. R.S. 13:5304(B)(10)(a) and (b) are hereby amended and reenacted to read  
8 as follows:

9 §5304. The drug division probation program

10 \* \* \*

11 B. Participation in probation programs shall be subject to the following  
12 provisions:

13 \* \* \*

14 (10) In order to be eligible for the drug division probation program, the  
15 defendant must satisfy each of the following criteria:

16 (a) The defendant cannot ~~have any prior felony convictions for any offenses~~  
17 ~~defined as crimes of violence in R.S. 14:2(B)~~ have been previously sentenced for  
18 a crime of violence as provided in Code of Criminal Procedure Article 890.3.

19 (b) The crime before the court ~~cannot be a crime of violence as defined in~~  
20 ~~R.S. 14:2(B), including domestic violence~~ is not domestic violence or the  
21 defendant will not be sentenced for a crime including domestic violence.

22 \* \* \*

23 Section 3. R.S. 15:529.1(A)(3)(b), 571.3(A)(1), (B)(1)(a) and (2) and (D),  
24 574.2(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  
25 (4), 833.1(D), and 1199.7(C) are hereby amended and reenacted and R.S. 15:827.1(E)(5) and  
26 1199.7(D) are hereby enacted to read as follows:

27 §529.1. Sentences for second and subsequent offenses; certificate of warden or clerk  
28 of court in the state of Louisiana as evidence

29 A. Any person who, after having been convicted within this state of a felony,

1 or who, after having been convicted under the laws of any other state or of the  
2 United States, or any foreign government of a crime which, if committed in this state  
3 would be a felony, thereafter commits any subsequent felony within this state, upon  
4 conviction of said felony, shall be punished as follows:

5 \* \* \*

6 (3) If the third felony is such that upon a first conviction, the offender would  
7 be punishable by imprisonment for any term less than his natural life then:

8 \* \* \*

9 (b) If the third felony and the two prior felonies are felonies ~~defined as~~ **such**  
10 **that the person was sentenced for** a crime of violence ~~under R.S. 14:2(B)~~, **as**  
11 **provided in Code of Criminal Procedure Article 890.3, or defined or**  
12 **enumerated as** a sex offense ~~as defined in R.S. 15:540 et seq.~~ when the victim is  
13 under the age of eighteen at the time of commission of the offense, or ~~as~~ a violation  
14 of the Uniform Controlled Dangerous Substances Law punishable by imprisonment  
15 for ten years or more, or any other crimes punishable by imprisonment for twelve  
16 years or more, or any combination of such crimes, the person shall be imprisoned for  
17 the remainder of his natural life, without benefit of parole, probation, or suspension  
18 of sentence.

19 \* \* \*

20 §571.3. Diminution of sentence for good behavior

21 A.(1) Every prisoner in a parish prison convicted of an offense and sentenced  
22 to imprisonment without hard labor, except a prisoner convicted a second time ~~of~~ **for**  
23 a crime of violence as ~~defined by R.S. 14:2(B)~~ **provided in Code of Criminal**  
24 **Procedure Article 890.3**, may earn a diminution of sentence, to be known as "good  
25 time", by good behavior and performance of work or self-improvement activities, or  
26 both. The amount of diminution of sentence allowed under this Paragraph shall be  
27 at the rate of thirty days for every thirty days in actual custody, except for a prisoner  
28 ~~convicted~~ **sentenced** a first time ~~of~~ **for** a crime of violence, as ~~defined in R.S.~~  
29 ~~14:2(B)~~ **provided in Code of Criminal Procedure Article 890.3**, who shall earn



\* \* \*

D. Diminution of sentence shall not be allowed an inmate in the custody of the Department of Public Safety and Corrections if the instant offense is a second offense **sentencing for a** crime of violence as ~~defined by R.S. 14:2(B)~~ **provided in Code of Criminal Procedure Article 890.3.**

\* \* \*

§574.2. Committee on parole, Board of Pardons; membership; qualifications; vacancies; compensation; domicile; venue; meetings; quorum; panels; powers and duties; transfer of property to committee; representation of applicants before the committee; prohibitions

\* \* \*

C.

\* \* \*

(2) The committee may grant parole with two votes of a three-member panel, or, if the number exceeds a three-member panel, a majority vote of those present if all of the following conditions are met:

(a) The offender has not been ~~convicted of~~ **sentenced for** a crime of violence as ~~defined in R.S. 14:2(B)~~ **provided in Code of Criminal Procedure Article 890.3** or **convicted of** a sex offense as defined **or enumerated** in R.S. 15:541, ~~or convicted of an offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541,~~ regardless of the date of conviction.

\* \* \*

§574.4. Parole; eligibility

A.(1)

\* \* \*

(b)(i) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, a person, otherwise eligible for parole, convicted of a first felony offense shall be eligible for parole consideration upon serving twenty-five percent of the sentence imposed. The provisions of this Subparagraph shall not apply to any person who has been ~~convicted of~~ **sentenced for** a crime of violence as ~~defined in R.S. 14:2(B)~~ **provided in Code of Criminal Procedure Article 890.3**, has been convicted of a

1 sex offense as defined **or enumerated** in R.S. 15:541, has been sentenced as a  
2 habitual offender pursuant to R.S. 15:529.1, or is otherwise ineligible for parole.

3 \* \* \*

4 (4) Notwithstanding any other provision of law to the contrary, unless eligible  
5 for parole at an earlier date, a person committed to the Department of Public Safety  
6 and Corrections for a term or terms of imprisonment with or without benefit of  
7 parole who has served at least ten years of the term or terms of imprisonment in  
8 actual custody shall be eligible for parole consideration upon reaching the age of  
9 sixty years if all of the following conditions are met:

10 (a) The offender has not been ~~convicted of~~ **sentenced for** a crime of violence  
11 as ~~defined in R.S. 14:2(B)~~ **provided in Code of Criminal Procedure Article 890.3**  
12 or **convicted of** a sex offense as defined **or enumerated** in R.S. 15:541, ~~or convicted~~  
13 ~~of an offense which would constitute a crime of violence as defined in R.S. 14:2(B)~~  
14 ~~or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.~~

15 \* \* \*

16 B.(1) No person shall be eligible for parole consideration who has been  
17 convicted of armed robbery and denied parole eligibility under the provisions of R.S.  
18 14:64. Except as provided in Paragraph (2) of this Subsection, and except as  
19 provided in Subsections D and E of this Section, no prisoner serving a life sentence  
20 shall be eligible for parole consideration until his life sentence has been commuted  
21 to a fixed term of years. No prisoner sentenced as a serial sexual offender shall be  
22 eligible for parole. No prisoner may be paroled while there is pending against him  
23 any indictment or information for any crime suspected of having been committed by  
24 him while a prisoner. Notwithstanding any other provisions of law to the contrary,  
25 a person ~~convicted of~~ **sentenced for** a crime of violence **as provided in Code of**  
26 **Criminal Procedure Article 890.3** and not otherwise ineligible for parole shall  
27 serve at least eighty-five percent of the sentence imposed, before being eligible for  
28 parole. The victim or victim's family shall be notified whenever the offender is to  
29 be released provided that the victim or victim's family has completed a Louisiana



1 victim notice and registration form as provided in R.S. 46:1841 et seq., or has  
2 otherwise provided contact information and has indicated to the Department of  
3 Public Safety and Corrections, Crime Victims Services Bureau, that they desire such  
4 notification.

5 \* \* \*

6 §574.9. Revocation of parole for violation of condition; committee panels; return to  
7 custody hearing; duration of reimprisonment and reparole after  
8 revocation; credit for time served; revocation for a technical violation

9 \* \* \*

10 G.(1) \* \* \*

11 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to  
12 the following offenders:

13 (i) Any offender released on parole for the conviction of a crime of violence  
14 as ~~defined in R.S. 14:2(B)~~ **provided in Code of Criminal Procedure Article 890.3.**

15 \* \* \*

16 §827.1. Reentry preparation program; establishment

17 \* \* \*

18 E. \* \* \*

19 (3) An offender convicted of any of the following offenses shall not be  
20 eligible for participation in the program:

21 (a) A sex offense as defined in R.S. 15:541(24).

22 ~~(b) A crime of violence as defined in R.S. 14:2(B).~~

23 ~~(c)~~ (b) A habitual offender in accordance with R.S. 15:529.1.

24 (4) **An offender sentenced for a crime of violence as provided in Code of**  
25 **Criminal Procedure Article 890.3 shall not be eligible for participation in the**  
26 **program.**

27 (5) An offender who is eligible for participation in the entrepreneurial skills  
28 curriculum may be selected for participation based upon the following criteria:

29 (a) The skills, interests, and abilities of the offender.

1 (b) The availability of training facilities, instructors, and the number of  
2 offenders enrolled in the program.

3 (c) The staff at the adult reception and diagnostic centers, after a thorough  
4 evaluation, determine that the offender is suitable and appropriate for participation  
5 in the program.

6 (d) The secretary, or his designee, determines that the offender meets the  
7 guidelines and criteria established by rule for participation in the program.

8 (e) The secretary, or his designee, after an evaluation, determines that the  
9 offender is particularly likely to respond affirmatively to participation in the  
10 program.

11 (f) The offender meets other conditions of participation or rules or regulations  
12 adopted by the department.

13 (g) The offender voluntarily enrolls in the program after having been advised  
14 by the department of the rules and regulations governing participation in the  
15 program.

16 \* \* \*

17 §833.1. Community resource centers; participation; conditions

18 \* \* \*

19 D. An inmate in the custody of the Department of Public Safety and  
20 Corrections shall not be eligible to participate in the community resource centers if  
21 the inmate has been ~~convicted of a crime defined or enumerated as~~ **sentenced for** a  
22 crime of violence ~~in R.S. 14:2(B)~~ **as provided in Code of Criminal Procedure**  
23 **Article 890.3** or the inmate has been convicted of a sex offense as defined ~~or~~  
24 **enumerated** in R.S. 15:541.

25 \* \* \*

26 §1199.7. Inmate eligibility for program; prohibitions

27 \* \* \*

28 C. An inmate convicted of any of the following offenses shall not be eligible  
29 for participation in the program:

- 1 (1) A sex offense as defined in R.S. 15:541.
- 2 ~~(2) A crime of violence as defined in R.S. 14:2(B).~~
- 3 ~~(3) (2)~~ A habitual offender in accordance with R.S. 15:529.1.
- 4 **D. An inmate sentenced for a crime of violence as provided in Code of**
- 5 **Criminal Procedure Article 890.3 shall not be eligible for participation in the**
- 6 **program.**

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

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#### 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))