

Regular Session, 2010

SENATE BILL NO. 375

BY SENATOR MORRELL

CRIME/PUNISHMENT. Provides for the crime of home invasion. (8/15/10)

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AN ACT

To amend and reenact R.S. 14:62.8(B)(2) and to enact R.S. 14:2(B)(42), relative to the crime of home invasion; to provide for penalties at hard labor for under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§2. Definitions

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

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(42) Home invasion

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§62.8. Home invasion

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B.(1)

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

Present law requires that whoever commits the crime of home invasion when, at the time of the unauthorized entering, there is present in the dwelling or structure any person who is under the age of twelve years, is 65 of age or older, or is developmental disabled, be fined not more than \$10,000 and be imprisoned for not less than ten nor more than 25 and requires that at least ten years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Proposed law retains these provisions but requires that imprisonment be served at hard labor.

Proposed law includes home invasion as a crime of violence.

Effective August 15, 2010.

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