

2015 Regular Session

SENATE BILL NO. 9

BY SENATOR LONG

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Provides relative to the crime of aggravated kidnapping. (8/1/15)

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AN ACT

To amend and reenact R.S. 14:44, relative to the crime of aggravated kidnapping; to provide for reduced penalties where the kidnapping victim was released without physical injury or sexual abuse; to provide for retroactive application of reduced penalty provisions under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:44 is hereby amended and reenacted to read as follows:

§44. Aggravated kidnapping

A. Aggravated kidnapping is the doing of any of the following acts with the intent thereby to force the victim, or some other person, to give up anything of apparent present or prospective value, or to grant any advantage or immunity, in order to secure a release of the person under the offender's actual or apparent control:

(1) The forcible seizing and carrying of any person from one place to another;

~~or,~~

(2) The enticing or persuading of any person to go from one place to another;

~~or,~~

(3) The imprisoning or forcible secreting of any person.

1 ~~Whoever~~ **B.(1) Except as provided in Paragraph (2) of this Subsection,**
2 **whoever** commits the crime of aggravated kidnapping shall be punished by life
3 imprisonment at hard labor without benefit of parole, probation, or suspension of
4 sentence.

5 **(2)(a) If the kidnapping victim was released by the offender and was not**
6 **physically injured or sexually abused in any way by the offender prior to**
7 **release, then the offender shall be punished by imprisonment at hard labor for**
8 **not less than ten years nor more than forty years, with at least five years of the**
9 **sentenced imposed to be served without benefit of parole, probation, or**
10 **suspension of sentence.**

11 **(b) The provisions of this Paragraph shall apply to all persons convicted**
12 **pursuant to this Section, regardless of the date of the offense or the date of the**
13 **conviction, where the victim was released by the offender and was not physically**
14 **injured or sexually abused by the offender in any way prior to release. An**
15 **offender eligible for the application of the provisions of this Paragraph shall file**
16 **a motion to correct an illegal sentence with the sentencing court pursuant to**
17 **Code of Criminal Procedure Article 881.5 not later than August 1, 2016.**

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

DIGEST
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Present law provides that whoever commits the crime of aggravated kidnapping is to be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Proposed law retains present law except to provide that if the kidnapping victim was released by the offender and was not physically injured or sexually abused in any way by the offender prior to release, then the offender is to be punished by imprisonment at hard labor for not less than 10 years nor more than 40 years, with at least five years of the sentenced to be served without benefit of parole, probation, or suspension of sentence.

Proposed law provides that the reduced sentencing provisions of proposed law apply to all persons convicted of aggravated kidnapping pursuant to present law, regardless of the date of the offense or the conviction, where the victim was released by the offender and was not physically injured or sexually abused by the offender in any way prior to release. Proposed law further provides that an offender eligible for application of proposed law must file a motion to correct an illegal sentence with the sentencing court pursuant to present law not later than 8/1/16.

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Effective August 1, 2015.

(Amends R.S. 14:44)