

Regular Session, 2012

# ACT No. 160

HOUSE BILL NO. 1068

BY REPRESENTATIVE LOPINTO AND SENATOR THOMPSON

1 AN ACT

2 To enact Code of Criminal Procedure Article 890.1, relative to criminal sentencing; to  
3 provide that certain sentences may be served with the benefit of parole, probation,  
4 or suspension of sentence under certain circumstances; to provide for applicability;  
5 to provide for limitations; to provide for exceptions; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 890.1 is hereby enacted to read as  
9 follows:

10 Art. 890.1. Waiver of minimum mandatory sentences; procedure; exceptions

11 A. Notwithstanding any other provision of law to the contrary, if a felony or  
12 misdemeanor offense specifies a sentence with a minimum term of confinement or  
13 a minimum fine, or that the sentence shall be served without benefit of parole,  
14 probation, or suspension of sentence, the court, upon conviction, in sentencing the  
15 offender shall impose the sentence as provided in the penalty provisions for that  
16 offense, unless one of the following occurs:

17 (1) The defendant pled guilty pursuant to a negotiated plea agreement with  
18 the prosecution and the court, which specifies that the sentence shall be served with  
19 benefit of parole, probation, or suspension of sentence or specifies a reduced fine or  
20 term of confinement.

21 (2) In cases resulting in trial, the prosecution, the defendant, and the court  
22 entered into a post-conviction agreement, which specifies that the sentence shall be  
23 served with benefit of parole, probation, or suspension of sentence or specifies a  
24 reduced fine or term of confinement.

1           B. If such agreements are entered into between the prosecution and the  
 2           defendant, the court, at sentencing, shall not impose a lesser term of imprisonment,  
 3           lesser fine, or lesser period of sentence served without benefit of parole, probation,  
 4           or suspension of sentence than that expressly provided for under the terms of the plea  
 5           or post-conviction agreement.

6           C. No plea or post-conviction agreement shall provide parole eligibility at  
 7           a time earlier than that provided in R.S. 15:574.4.

8           D. Nothing in this Article shall apply to a crime of violence as defined in  
 9           R.S. 14:2(B) or a sex offense as defined in R.S. 15:541.

10          E. At the time the sentence is imposed pursuant to this Article, the Uniform  
 11          Commitment Sentencing Order shall specify that the sentence is imposed pursuant  
 12          to the provisions of this Article.

13          Section 2. This Act shall become effective upon signature by the governor or, if not  
 14          signed by the governor, upon expiration of the time for bills to become law without signature  
 15          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 16          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 17          effective on the day following such approval.

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_