

2017 Regular Session

HOUSE BILL NO. 110

BY REPRESENTATIVE BILLIOT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

AN ACT

To amend and reenact Code of Criminal Procedure Article 890.3, relative to crimes of violence; to provide relative to sentencing for crimes of violence; to provide relative to the procedure by which certain crimes are designated in the court minutes as crimes of violence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 890.3 is hereby amended and reenacted to read as follows:

Art. 890.3. Sentencing for crimes of violence

A. Except as provided in Paragraph ~~B~~ C of this Article, when a defendant is sentenced for any offense, or the attempt to commit any offense, defined or enumerated as a crime of violence in R.S. 14:2(B), ~~upon the district attorney may make a written recommendation of the district attorney, the court may designate in the minutes whether such offense is~~ to the court that the offense should not be designated as a crime of violence only for the following purposes:

(1) ~~To determine a~~ The defendant's eligibility for suspension or deferral of sentence pursuant to Article 893.

(2) ~~To determine a~~ The defendant's eligibility for participation in a drug division probation program pursuant to R.S. 13:5304.

1                    B. In the absence of a written recommendation by the district attorney as  
 2                    provided in Paragraph A of this Article, the offense shall be designated as a crime  
 3                    of violence as a matter of law.

4                    ~~B-C.~~ The following crimes of violence enumerated in R.S. 14:2(B) shall  
 5                    always be designated by the court in the minutes as a crime of violence:

- 6                    (1) Solicitation for murder.
- 7                    (2) First degree murder.
- 8                    (3) Second degree murder.
- 9                    (4) Manslaughter.
- 10                  (5) Aggravated or first degree rape.
- 11                  (6) Forcible or second degree rape.
- 12                  (7) Simple or third degree rape.
- 13                  (8) Sexual battery.
- 14                  (9) Second degree sexual battery.
- 15                  (10) Intentional exposure to AIDS virus.
- 16                  (11) Aggravated kidnapping.
- 17                  (12) Second degree kidnapping.
- 18                  (13) Aggravated arson.
- 19                  (14) Armed robbery.
- 20                  (15) Assault by drive-by shooting.
- 21                  (16) Carjacking.
- 22                  (17) Terrorism.
- 23                  (18) Aggravated second degree battery.
- 24                  (19) Aggravated assault with a firearm.
- 25                  (20) Armed robbery; use of firearm; additional penalty.
- 26                  (21) Second degree robbery.
- 27                  (22) Disarming of a peace officer.
- 28                  (23) Second degree cruelty to juveniles.
- 29                  (24) Aggravated crime against nature.
- 30                  (25) Trafficking of children for sexual purposes.

- 1 (26) Human trafficking.
- 2 (27) Home invasion.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE

---

GOVERNOR OF THE STATE OF LOUISIANA

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