2017 Regular Session

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ACT No. 196

HOUSE BILL NO. 110

BY REPRESENTATIVE BILLIOT

| 2 | To amend and reenact Code of Criminal Procedure Article 890.3, relative to crimes of | |
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| 3 | violence; to provide relative to sentencing for crimes of violence; to provide relative | |
| 4 | to the procedure by which certain crimes are designated in the court minutes as | |
| 5 | crimes of violence; and to provide for related matters. | |
| 6 | Be it enacted by the Legislature of Louisiana: | |
| 7 | Section 1. Code of Criminal Procedure Article 890.3 is hereby amended and | |
| 8 | reenacted to read as follows: | |
| 9 | Art. 890.3. Sentencing for crimes of violence | |
| 10 | A. Except as provided in Paragraph $\frac{B}{C}$ of this Article, when a defendant is | |
| 11 | sentenced for any offense, or the attempt to commit any offense, defined or | |
| 12 | enumerated as a crime of violence in R.S. 14:2(B), upon the district attorney may | |
| 13 | make a written recommendation of the district attorney, the court may designate in | |
| 14 | the minutes whether such offense is to the court that the offense should not be | |
| 15 | designated as a crime of violence only for the following purposes: | |
| 16 | (1) To determine a The defendant's eligibility for suspension or deferral of | |
| 17 | sentence pursuant to Article 893. | |
| 18 | (2) To determine a The defendant's eligibility for participation in a drug | |
| 19 | division probation program pursuant to R.S. 13:5304. | |

AN ACT

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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. (25) Trafficking of children for sexual purposes. 30

| 1 | (26) Human trafficking. |
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| 2 | (27) Home invasion. |
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| | SPEAKER OF THE HOUSE OF REPRESENTATIVES |
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| | PRESIDENT OF THE SENATE |
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| | GOVERNOR OF THE STATE OF LOUISIANA |
| | GOVERNOR OF THE STATE OF LOUISIANA |

ENROLLED

HB NO. 110

APPROVED: _____