Regular Session, 2010

HOUSE BILL NO. 120

BY REPRESENTATIVE ROY

PROBATION: Amends certain obligations of the sentencing court and DPS&C

1	AN ACT
2	To amend and reenact Code of Criminal Procedure Article 894.1(D) and (E)(introductory
3	paragraph), relative to sentencing; to provide for certain obligations of the sentencing
4	court and the Department of Public Safety and Corrections; and to provide for related
5	matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. Code of Criminal Procedure Article 894.1(D) and (E)(introductory
8	paragraph) are hereby amended and reenacted to read as follows:
9	Art. 894.1. Sentencing guidelines; generally
10	* * *
11	D. Immediately following the imposition of a felony sentence pursuant to
12	this Article, the sentencing court shall advise the offender in open court of each of
13	the following:
14	(1) Whether, pursuant to the provisions of R.S. 15:571.3, the offender's
15	sentence is subject to diminution for good behavior.
16	(2) Whether whether the sentence imposed was enhanced pursuant to R.S.
17	15:529.1 et seq., Article 893.3, or any other relevant provision of law.
18	E. All victims of felonies who provide a written request to the Department
19	of Public Safety and Corrections, which includes a mailing address, are entitled to
20	receive a written report of the prospective term of imprisonment of their offenders.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	The Department of Public Safety and Corrections shall furnish to the victim and the
2	sentencing judge within ninety days of commitment a report which includes the
3	following information, in a format to be determined by the Department of Public
4	Safety and Corrections:
5	* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Roy

HB No. 120

ENGROSSED HB NO. 120

Abstract: Amends certain obligations of the sentencing court and DPS&C.

<u>Present law</u> provides for enhanced penalties for habitual offenders and offenders who possess, use, or discharge a firearm in the commission of certain offenses.

<u>Present law</u> requires the sentencing court to advise the offender of the following:

- (1) Whether the offender's sentence is subject to diminution of sentence for good behavior.
- (2) Whether the sentence imposed was enhanced pursuant to <u>present law</u>.

<u>Proposed law</u> deletes the requirement that the sentencing court advise the offender whether the offender's sentence is subject to diminution for good behavior and otherwise retains <u>present law</u>.

<u>Present law</u> requires DPS&C to furnish to the victim and the sentencing judge a written report of the offender's prospective term of imprisonment.

<u>Proposed law</u> deletes the requirement that DPS&C furnish the written report of the offender's prospective term of imprisonment to the sentencing judge.

(Amends C.Cr.P. Art. 894.1(D) and (E)(intro. para.))