

Regular Session, 2010

HOUSE BILL NO. 1361

BY REPRESENTATIVE WOOTON

CRIMINAL/PROCEDURE: Provides with respect to the La. Sentencing Commission

1 AN ACT

2 To amend and reenact R.S. 15:321(D) and 323(A) and (B) and to enact R.S. 15:323(G),  
3 relative to the Louisiana Sentencing Commission; to provide for evaluation of  
4 sentencing structure; to provide for membership of the commission; to provide for  
5 the appointment of a proxy; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:321(D) and 323(A) and (B) are hereby amended and reenacted  
8 and R.S. 15:323(G) is hereby enacted to read as follows:

9 §321. Purpose; duties of the commission; conducting of evaluation of sentencing  
10 structure; report

11 \* \* \*

12 D. The commission shall conduct ~~an annual~~ a continuous review of the  
13 state's sentencing structure based upon existing criminal law and law relative to  
14 criminal procedure. The commission may recommend such legislation as may be  
15 necessary and appropriate to achieve a uniform sentencing policy that ensures public  
16 safety and the imposition of appropriate and just sentences in terms that are clear and  
17 transparent and which make the most efficient use of the correctional system and  
18 community resources.

19 \* \* \*

1 §323. Composition of commission

2 A. The commission shall be composed of ~~twenty-one~~ twenty-two members.  
3 ~~Nineteen~~ Eighteen members shall be voting members as designated in Subsection B  
4 of this Section, and four members shall be nonvoting members as designated in  
5 Subsection D of this Section.

6 B.(1) ~~Four~~ Five voting members of the commission shall be as follows:

7 (a) A member of the House of Representatives appointed by the speaker of  
8 the House of Representatives.

9 (b) The chairman of the House Committee on Administration of Criminal  
10 Justice.

11 (c) One member of the Senate appointed by the president of the Senate.

12 (d) The chairman of the Senate Committee on Judiciary, Section C.

13 (e) One justice of the Supreme Court of Louisiana appointed by the chief  
14 justice.

15 (2) Thirteen voting members shall be appointed by the governor as follows:

16 (a) One district attorney, or his designee and the president of the Louisiana  
17 District Attorneys Association, or his designee.

18 (b) The state public defender or his designee and one attorney specializing  
19 primarily in the defense of persons charged with criminal offenses.

20 (c) One sheriff or his designee ~~or~~ and the president of the Louisiana Sheriff's  
21 Association, or his designee.

22 (d) One judge of a court of appeal.

23 (e) Three district court judges having criminal justice experience, at least one  
24 of whom must be active.

25 (f) One member selected from a list of three nominees submitted by the  
26 Louisiana Chamber of Commerce.

27 (g) ~~One justice of the Louisiana Supreme Court.~~ The president of the  
28 Louisiana Clerks of Court Association or his designee.

1 (h) One Louisiana citizen who is not an attorney, who is not formally  
2 associated with the criminal justice system, and who is a felony crime victim or a  
3 member of the immediate family of a felony crime victim, from a list of three names  
4 submitted by Victims and Citizens Against Crime, Inc.

5 \* \* \*

6 G. Each voting member shall be entitled to appoint a single individual to  
7 serve as proxy for the duration of his term if the member is unable to attend a  
8 meeting of the commission. The term of the designated proxy shall be the same as  
9 the voting member. A member appointing an individual to serve as his designated  
10 proxy shall make his appointment known to the chairman and to the secretary of the  
11 commission.

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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)]

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Wooton

HB No. 1361

**Abstract:** Provides for the membership of the Louisiana Sentencing Commission and authorizes the appointment of a proxy.

Present law creates the Louisiana Sentencing Commission for the purpose of assisting the legislature and the judiciary in formulating consistent and uniform sentencing policy.

Present law provides that the commission shall annually review the state's sentencing structure and recommend changes as appropriate.

Proposed law changes the annual review of the state's sentencing structure to a continuous review to ensure that sentences are just and appropriate.

Present law provides for the membership of the La. Sentencing Commission, comprised of 19 voting members and four nonvoting members.

Proposed law provides for the following major changes to the membership of the commission:

- (1) Provides that the representative of the La. Supreme Court shall be appointed by the chief justice.
- (2) Adds the president of the La. Clerks of Court Association or his designee as a member.

- (3) Provides that both the sheriff representative and the president of the La. Sheriff's Association shall be members.

Proposed law allows each voting member to appoint a proxy to serve if the member is unable to attend.

(Amends R.S. 15:321(D) and 323(A) and (B); Adds R.S. 15:323(G))