

Regular Session, 2010
HOUSE BILL NO. 1361
BY REPRESENTATIVE WOOTON

ACT No. 856

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 * * *

20 §323. Composition of commission

21 A. The commission shall be composed of ~~twenty-one~~ twenty-two members.
22 ~~Nineteen~~ Eighteen members shall be voting members as designated in Subsection B
23 of this Section, and four members shall be nonvoting members as designated in
24 Subsection D of this Section.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

2 (a) A member of the House of Representatives appointed by the speaker of
3 the House of Representatives.

4 (b) The chairman of the House Committee on Administration of Criminal
5 Justice.

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

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

8 (e) One justice of the Supreme Court of Louisiana appointed by the chief
9 justice.

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

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

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

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

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

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

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

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

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

28 * * *

29 G. Each voting member shall be entitled to appoint a single individual to
30 serve as proxy for the duration of his term if the member is unable to attend a

1 meeting of the commission. The term of the designated proxy shall be the same as
2 the voting member. A member appointing an individual to serve as his designated
3 proxy shall make his appointment known to the chairman and to the secretary of the
4 commission.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____