

Regular Session, 2010

HOUSE BILL NO. 6

BY REPRESENTATIVE THIERRY

CRIMINAL/PROCEDURE: Provides that sentences for the crime of aggravated second degree battery shall not be suspended

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 893(A), relative to criminal
3 sentencing; to provide that a sentence for the crime of aggravated second degree
4 battery shall not be suspended; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 893(A) is hereby amended and
7 reenacted to read as follows:

8 Art. 893. Suspension and deferral of sentence and probation in felony cases

9 A. When it appears that the best interest of the public and of the defendant
10 will be served, the court, after a first or second conviction of a noncapital felony,
11 may suspend, in whole or in part, the imposition or execution of either or both
12 sentences, where suspension is allowed under the law, and in either or both cases
13 place the defendant on probation under the supervision of the division of probation
14 and parole. The court shall not suspend the sentence of a conviction for a crime of
15 violence as defined in R.S. 14:2(B)(1), (2), (3), (4), (5), (9), (10), (11), (12), (13),
16 (14), (15), (16), (18), (20), (21), (22), (26), (27), ~~or (28), or (31)~~, or of a second
17 conviction if the second conviction is for a violation of R.S. 14:73.5, 81.1, or 81.2.
18 The period of probation shall be specified and shall not be less than one year nor
19 more than five years. The suspended sentence shall be regarded as a sentence for the
20 purpose of granting or denying a new trial or appeal. Supervised release as provided

1 for by Chapter 3-E of Title 15 of the Louisiana Revised Statutes of 1950 shall not be
2 considered probation and shall not be limited by the five-year period for probation
3 provided for by the provisions of this Paragraph.

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)]

Thierry

HB No. 6

Abstract: Provides that a sentence for the crime of aggravated second degree battery shall not be suspended.

Present law provides that the court shall not suspend the sentence for certain enumerated crimes of violence.

Proposed law retains the provisions of present law and adds aggravated second degree battery to the list of enumerated offenses.

(Amends C.Cr.P. Art. 893(A))