ACT No. 86

HOUSE BILL NO. 743

BY REPRESENTATIVE MORENO AND SENATOR KOSTELKA

| 1 | AN ACT |
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| 2 | To amend and reenact R.S. 15:321(B), (D), (G)(introductory paragraph), and (H), and |
| 3 | 323(A), (B)(2)(introductory paragraph), (D), and (G) and to enact R.S. |
| 4 | 15:323(B)(2)(i) and (j), relative to the Louisiana Sentencing Commission; to provide |
| 5 | relative to the duties of the commission; to provide relative to legislation |
| 6 | recommended by the commission; to provide for the membership of the commission; |
| 7 | to provide for additional members of the commission; to provide relative to persons |
| 8 | serving as a proxy for a voting member of the commission; and to provide for related |
| 9 | matters. |
| 10 | Be it enacted by the Legislature of Louisiana: |
| 11 | Section 1. R.S. 15:321(B), (D), (G)(introductory paragraph), and (H), and 323(A), |
| 12 | (B)(2)(introductory paragraph), (D), and (G) are hereby amended and reenacted and R.S. |
| 13 | 15:323(B)(2)(i) and (j) are hereby enacted to read as follows: |
| 14 | §321. Purpose; duties of the commission; conducting of evaluation of sentencing |
| 15 | structure; report |
| 16 | * * * |
| 17 | B. The legislature has determined that the best interest of the state would be |
| 18 | served by the development and implementation of a uniform sentencing policy for |
| 19 | use by the Louisiana judiciary. The sole purpose of the Louisiana Sentencing |
| 20 | Commission is to assist the judiciary and the legislature in formulating such policy. |
| 21 | * * * |
| 22 | D. The commission shall conduct a continuous review of the state's |
| 23 | sentencing structure based upon existing criminal law and law relative to criminal |
| 24 | procedure. The commission may recommend such only sentencing and post- |

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

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| 1 | conviction relief legislation as may be necessary and appropriate to achieve a |
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| 2 | uniform sentencing policy that ensures public safety and the imposition of |
| 3 | appropriate and just sentences in terms that are clear and transparent and which make |
| 4 | the most efficient use of the correctional system and community resources. |
| 5 | Legislation may be recommended by the commission only upon approval by a two- |
| 6 | thirds vote of the commission members present. |
| 7 | * * * |
| 8 | G. The commission shall make biannual recommendations for amendments |
| 9 | to state law, pursuant to the provisions of Subsection D of this Section, that will |
| 10 | maximize uniformity, certainty, consistency, and adequacy of a sentence structure |
| 11 | to provide for all of the following: |
| 12 | * * * |
| 13 | H. Reports of the commission shall include but not be limited to an |
| 14 | evaluation of the impact that existing sentences have had on length of incarceration, |
| 15 | the impact of early release, the impact of existing sentences on the length of |
| 16 | community supervision, recommended options for the use of alternatives to |
| 17 | incarceration, recommendations for sentencing and post-conviction options, and an |
| 18 | analysis of the fiscal impact of the commission's recommendations. |
| 19 | * * * |
| 20 | §323. Composition of commission |
| 21 | A. The commission shall be composed of twenty-two twenty-five members. |
| 22 | Eighteen Twenty members shall be voting members as designated in Subsection B |
| 23 | of this Section, and four five members shall be nonvoting members as designated in |
| 24 | Subsection D of this Section. |
| 25 | В. |
| 26 | * * * |
| 27 | (2) Thirteen Fifteen voting members shall be appointed by the governor as |
| 28 | follows: |
| | |

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| 1 | (i) One person with experience and expertise in the juvenile justice system |
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| 2 | including matters related to juvenile adjudications and dispositions and their impact |
| 3 | on the juvenile, the family of the juvenile, and public safety. |
| 4 | (j) A judge with experience in hearing juvenile cases on his or her docket. |
| 5 | * * * |
| 6 | D. The following persons shall serve as the five nonvoting members of the |
| 7 | commission: |
| 8 | (1) A representative of the Louisiana State Law Institute as designated by its |
| 9 | president, a <u>president.</u> |
| 10 | (2) A representative of the Louisiana Commission on Law Enforcement and |
| 11 | Administration of Criminal Justice as designated by its chairman, the chairman. |
| 12 | (3) The secretary of the Department of Public Safety and Corrections, or his |
| 13 | designee, and one designee. |
| 14 | (4) One professional having a doctorate degree in a social science or criminal |
| 15 | justice field appointed by the governor shall serve as the four nonvoting members of |
| 16 | the commission. |
| 17 | (5) The deputy secretary of the Department of Public Safety and Corrections, |
| 18 | youth services, office of juvenile justice, or his designee. |
| 19 | * * * |
| 20 | G.(1) Each Subject to the provisions set forth in Paragraph (2) of this |
| 21 | Subsection, each voting member shall be entitled to appoint a single individual to |
| 22 | serve as proxy for the duration of his term if the member is unable to attend a |
| 23 | meeting of the commission. The term of the designated proxy shall be the same as |
| 24 | the voting member. A member appointing an individual to serve as his designated |
| 25 | proxy shall make his appointment known to the chairman and to the secretary of the |
| 26 | commission. |
| 27 | (2)(a) An individual appointed to serve as proxy for a voting member |
| 28 | described in Subparagraph (B)(1)(a), (b), (c), or (d) of this Section shall be a member |
| 29 | of the legislature. |

1 (b) An individual appointed to serve as proxy for a voting member described 2 in the provisions of Subparagraph (B)(1)(e) or Subparagraphs (B)(2)(a) through 3 (B)(2)(h) of this Section shall have the same qualifications, or shall be a member of 4 the same entity, as the voting member for whom he is serving. 5 (3) The proxy appointed by the voting member shall not be subject to the 6 same nominating and appointment procedures as is required for the voting member 7 for whom he is serving and shall not be subject to Senate confirmation as required 8 by the provisions of Subsection E of this Section. 9 (4) An individual shall not serve as proxy pursuant to the provisions of this 10 Subsection for more than one voting member of the commission. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: _____