

Regular Session, 2012  
HOUSE BILL NO. 836  
BY REPRESENTATIVE HAZEL

# ACT No. 106

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 905.2(B), relative to sentencing  
3 hearings in capital cases; to provide that members of the Board of Pardons shall not  
4 be required to appear at sentencing hearings for capital cases; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 905.2(B) is hereby amended and  
8 reenacted to read as follows:

9 Art. 905.2. Sentencing hearing; procedure and evidence; jury instructions

10 \* \* \*

11 B. Notwithstanding any provision to the contrary, the court shall instruct the  
12 jury that under the provisions of the state constitution, the governor is empowered  
13 to grant a reprieve, pardon, or commutation of sentence following conviction of a  
14 crime, and the governor may, in exercising such authority, commute or modify a  
15 sentence of life imprisonment without benefit of parole to a lesser sentence including  
16 the possibility of parole, and may commute a sentence of death to a lesser sentence  
17 of life imprisonment without benefit of parole. The court shall also instruct the jury  
18 that under this authority the governor may allow the release of an offender either by  
19 reducing a life imprisonment or death sentence to the time already served by the  
20 offender or by granting the offender a pardon. The defense may argue or present  
21 evidence to the jury on the frequency and extent of use by the governor of his

1 authority. The provisions of this Paragraph shall not be construed to require that  
2 members of the Board of Pardons attend sentencing hearings for capital cases.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_