

Regular Session, 2010

HOUSE BILL NO. 867

BY REPRESENTATIVE LOPINTO

CRIMINAL/PROCEDURE: Provides for the reduction of a defendant's sentence for substantial assistance in an investigation or prosecution

1 AN ACT

2 To enact Code of Criminal Procedure Article 881.6, relative to sentencing; to provide for the
3 reduction of a sentence when the defendant assists in an investigation or prosecution;
4 to provide for definitions; to provide for time periods; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 881.6 is hereby enacted to read as
8 follows:

9 Art. 881.6. Reducing a sentence for substantial assistance

10 A. Upon motion of the state made within one year of sentencing, the court
11 may reduce the defendant's sentence, if, after sentencing, the defendant provided
12 substantial assistance in furtherance of the investigation or prosecution of another
13 person.

14 B. Upon motion of the state made more than one year after sentencing, the
15 court may reduce a sentence if the defendant's substantial assistance involved any of
16 the following:

17 (1) Information not known to the defendant until one year or more after
18 sentencing.

1 (2) Information provided by the defendant to the state within one year of
2 sentencing, but which did not become useful to the state until more than one year
3 after sentencing.

4 (3) Information, the usefulness of which could not reasonably have been
5 anticipated by the defendant until more than one year after sentencing, and which
6 was promptly provided to the state after its usefulness and was reasonably apparent
7 to the defendant.

8 C. In evaluating whether the defendant has provided substantial assistance
9 pursuant to the provisions of this Article, the court may consider the defendant's
10 presentence assistance in furtherance of the investigation or prosecution.

11 D. The court may reduce the sentence as provided by the provisions of this
12 Article to a time period which is less than the minimum sentence provided by law.

13 E. For purposes of this Article, "sentencing" means the oral announcement
14 of the sentence.

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)]

Lopinto

HB No. 867

Abstract: Provides for the reduction of a criminal sentence for substantial assistance by the defendant in furtherance of the investigation or prosecution of another person.

Proposed law authorizes courts to reduce a defendant's sentence if the defendant provided substantial assistance in investigating or prosecuting another person.

Proposed law provides that the court may reduce the sentence to a time period which is less than the minimum sentence provided by law.

Proposed law defines "sentencing" as the oral announcement of the sentence.

(Adds C.Cr.P. Art. 881.6)