

SENATE BILL NO. 142

BY SENATOR MORRIS

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AN ACT

To amend and reenact Code of Criminal Procedure Art. 890.1(D) and to enact R.S. 15:529.1(A)(5), relative to crimes of violence; to provide relative to minimum mandatory sentences for crimes of violence; to prohibit the waiver of minimum mandatory sentences for all crimes of violence; to provide an additional penalty for a second or subsequent offense when the offender has a criminal history including a crime of violence or sex offense; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 890.1(D) is hereby amended and reenacted to read as follows:

Art. 890.1. Waiver of minimum mandatory sentences; procedure; exceptions

* * *

D. The provisions of this Article shall not apply to a sex offense as defined in R.S. 15:541 or to any of the following crimes **crime** of violence **as defined in R.S. 14:2(B).**:

- (1) ~~R.S. 14:28.1 (Solicitation for murder).~~
- (2) ~~R.S. 14:30 (First degree murder).~~
- (3) ~~R.S. 14:30.1 (Second degree murder).~~
- (4) ~~R.S. 14:31 (Manslaughter).~~
- (5) ~~R.S. 14:34.6 (Disarming of a peace officer).~~
- (6) ~~R.S. 14:34.7 (Aggravated second degree battery).~~
- (7) ~~R.S. 14:37.1 (Assault by drive-by shooting).~~
- (8) ~~R.S. 14:37.4 (Aggravated assault with a firearm).~~
- (9) ~~R.S. 14:42 (Aggravated or first degree rape).~~

- 1 ~~(10) R.S. 14:42.1 (Forcible or second degree rape):~~
- 2 ~~(11) R.S. 14:43 (Simple or third degree rape):~~
- 3 ~~(12) R.S. 14:43.1 (Sexual battery):~~
- 4 ~~(13) R.S. 14:43.2 (Second degree sexual battery):~~
- 5 ~~(14) R.S. 14:43.5 (Intentional exposure to AIDS virus):~~
- 6 ~~(15) R.S. 14:44 (Aggravated kidnapping):~~
- 7 ~~(16) R.S. 14:44.1 (Second degree kidnapping):~~
- 8 ~~(17) R.S. 14:46.2 (Human trafficking):~~
- 9 ~~(18) R.S. 14:46.3 (Trafficking of children for sexual purposes):~~
- 10 ~~(19) R.S. 14:51 (Aggravated arson):~~
- 11 ~~(20) R.S. 14:62.8 (Home invasion):~~
- 12 ~~(21) R.S. 14:64 (Armed robbery):~~
- 13 ~~(22) R.S. 14:64.4 (Second degree robbery):~~
- 14 ~~(23) R.S. 14:64.3 (Armed robbery; use of firearm):~~
- 15 ~~(24) R.S. 14:64.2 (Carjacking):~~
- 16 ~~(25) R.S. 14:78.1 (Aggravated incest):~~
- 17 ~~(26) R.S. 14:93.2.3 (Second degree cruelty to juveniles):~~
- 18 ~~(27) R.S. 14:128.1 (Terrorism):~~
- 19 ~~(28) R.S. 14:34 (Aggravated battery):~~
- 20 ~~(29) R.S. 14:37 (Aggravated assault):~~
- 21 ~~(30) R.S. 14:34.1 (Second Degree Battery)~~
- 22 ~~(31) R.S. 14:35.3 (Domestic Abuse Battery)~~
- 23 ~~(32) R.S. 14:40.2 (Stalking)~~
- 24 ~~(33) R.S. 14:64.1 (First Degree Robbery)~~
- 25 ~~(34) R.S. 14:32.5 (Feticide)~~

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Section 2. R.S. 15:529.1(A)(5) is hereby enacted to read as follows:

§529.1. Sentences for second and subsequent offenses; certificate of warden or clerk
of court in the state of Louisiana as evidence

A. * * *

1 (5) In addition to the penalties provided in Paragraph (A)(1) through (4)
2 of this Section, and unless the offender is sentenced to life imprisonment, if the
3 instant felony and any prior felony is either a crime of violence as defined in
4 R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, the offender shall be
5 imprisoned at hard labor for an additional period of five years without benefit
6 of probation or suspension of sentence, to be served consecutively to the
7 sentence imposed pursuant to Paragraph (A)(1) through (4) of this Section.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____