## SLS 17RS-452

## ENGROSSED

2017 Regular Session

SENATE BILL NO. 146

BY SENATOR CLAITOR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Provides relative to the Habitual Offender Law. (8/1/17)

1	AN ACT
2	To amend and reenact R.S. 15:529.1(C) and (G), relative to the Habitual Offender Law; to
3	decrease the cleansing period for offenses that are not crimes of violence or sex
4	offenses; to provide for the suspension of imposition or execution of a sentence
5	under the Habitual Offender Law under certain circumstances; and to provide for
6	related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 15:529.1(C) and (G) are hereby amended and reenacted to read as
9	follows:
10	§529.1. Sentences for second and subsequent offenses; certificate of warden or clerk
11	of court in the state of Louisiana as evidence
12	* * *
13	C.(1) Except as provided in Paragraph (2) of this Subsection, the The
14	current offense shall not be counted as, respectively, a second, third, fourth, or higher
15	offense if more than ten five years have elapsed between the date of the commission
16	of the current offense or offenses and the expiration of the maximum sentence or
17	sentences of the previous conviction or convictions, or between the expiration of the

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions. 1maximum sentence or sentences of each preceding conviction or convictions alleged2in the multiple offender bill and the date of the commission of the following offense3or offenses. In computing the intervals of time as provided herein, any period of4parole, probation, or incarceration by a person in a penal institution, within or5without the state, shall not be included in the computation of any of said ten-year6five-year periods between the expiration of the maximum sentence or sentences and7the next succeeding offense or offenses.

8 (2) The current offense shall not be counted as, respectively, a second, 9 third, fourth, or higher offense if more than ten years have elapsed between the 10 date of the commission of the current offense or offenses and the expiration of 11 the maximum sentence or sentences of the previous conviction or convictions for a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 12 15:541, or between the expiration of the maximum sentence or sentences of each 13 preceding conviction or convictions alleged in the multiple offender bill for a 14 crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15 16 15:541 and the date of the commission of the following offense or offenses. In computing the intervals of time as provided herein, any period of parole, 17 probation, or incarceration by a person in a penal institution, within or without 18 19 the state, shall not be included in the computation of any of said ten-year 20 periods between the expiration of the maximum sentence or sentences for a 21 crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 22 15:541 and the next succeeding offense or offenses.

23

G.(1) Except as provided in Paragraph (2) of this Subsection, any Any
sentence imposed under the provisions of this Section shall be at hard labor without
benefit of probation or suspension of sentence.

27 (2) If the court finds that a sentence imposed under the provisions of this
 28 Section would be excessive under the totality of the circumstances, then the
 29 court may suspend the imposition or execution of not more than one-half of the

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1	sentence prescribed by this Section. In the case of a sentence of life
2	imprisonment at hard labor, not less than thirty-five years of the sentence shall
3	be imposed without benefit of probation or suspension of sentence. If the court
4	suspends the imposition or execution of any portion of the sentence pursuant to
5	this Paragraph, it shall state for the record the reasons for such suspension.
6	* * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

	DIGEST
146 Engrossed	2017 Regular Session

Claitor

<u>Present law</u> provides a 10-year "cleansing period" for prior convictions for purposes of <u>present law</u> (Habitual Offender Law).

<u>Proposed law</u> decreases the "cleansing period" from 10 years to five years for prior convictions that are not convictions for crimes of violence as defined in present law or sex offenses as defined in present law. The "cleansing period" for crimes of violence and sex offenses remains 10 years.

Proposed law otherwise retains present law.

<u>Present law</u> provides that any sentence imposed under the provisions the Habitual Offender Law are to be at hard labor without benefit of probation or suspension of sentence.

<u>Proposed law</u> retains <u>present law</u> but adds that if the court finds that a sentence imposed under the provisions of the Habitual Offender Law would be excessive under the totality of the circumstances, then the court may suspend the imposition or execution of not more than one-half of the sentence prescribed. <u>Proposed law</u> further provides that if the court suspends the imposition or execution of any portion of the sentence, it must state for the record the reasons for such suspension.

Effective August 1, 2017.

(Amends R.S. 15:529.1(C) and (G))