

Louisiana Sentencing Commission

39th Legislature Crime and Sentencing Commission Bills
Signed into Act

HB 6 (Act No. 400)

Author: Schroder

-Provides that the crime of carrying a firearm or dangerous weapon on school property shall not apply to off-duty law enforcement officers.

Current Law: Provisions of RS 14:95.2 (C)(1) do not apply to on-duty federal, state or local law enforcement.

Revision: Off-duty law enforcement may carry a firearm or dangerous weapon on school property, at school-sponsored functions or firearm-free zones.

HB 8 (Act No. 401)

Author: Thompson

-Prohibits the release of information associated with concealed handgun permits or applications for such permits.

Current Law: Any information in an application for a concealed handgun permit submitted to the Dept. of Public Safety shall be held confidential and not subject to public records request. Does not pertain to free flow of information between law enforcement agencies or prohibit department from releasing information necessary to perform background investigations. RS 40:1379.3(A)(2)

New Law: Enacts RS 40:1379.3(A)(3). Absent a court order requesting the release of information, or unless an applicant or recipient of a concealed handgun permit is charged with a felony offense involving a handgun, it is unlawful for the Dept. of Public Safety and Corrections or any law enforcement officer to intentionally release any information contained in an application for a concealed handgun permit. Violations will produce fines not more than \$500, imprisoned for not more than six months, or both.

HB 10 (Act No. 7)

Author: Pearson

-Adds certain hallucinogenic substances to the list of Schedule I controlled dangerous substances.

Current Law: Under RS 40:964(C) (Hallucinogens), there are 32 items listed as a schedule I drug.

New Law: Enacts RS 40:964(Schedule I)(C)(33 through 59). Brings the total number of substances listed as a schedule I hallucinogen to 59.

HB 15 (Act No. 8)**Author: Mack**

-Adds certain compounds to the Schedule I classification of controlled dangerous substances including synthetic cannabinoids.

Current Law: Under RS 40:964(E) (Stimulants), there are 9 items listed as a schedule I drug. Under RS 40:964(F) (Synthetic Cannabinoids), there are 10 items listed as a schedule I drug.

Revision: Adds certain stimulants (bath salts) and synthetic cannabinoids to the list of schedule I drugs.
New Law: Enacts RS 40:961(26.1). Adds Nitrogen-heterocyclic analog to list of schedule I synthetic cannabinoids.

HB 59 (Act No. 183)**Author: Honore**

-Increases the total number of credits that may be earned by an offender for participation in certified treatment and rehabilitation programs.

Current Law: Offenders shall receive no more than 250 days total earned credits toward the reduction of the projected good time parole supervision date for voluntary participation in certified treatment and rehabilitation programs.

Revision: Offenders shall receive no more than 360 days total earned credits toward the reduction of the projected good time parole supervision date for voluntary participation in certified treatment and rehabilitation programs.

HB 90 (Act No. 301)**Author: Mack**

- Authorizes the Dept. of Public Safety and Corrections to sell bulletproof vests to other law enforcement agencies.

Current Law: The Dept. of Public Safety and Corrections shall provide upon request bulletproof vests to peace officers in Louisiana through appropriated funds.

Revision: Under RS 40:2405.1(B), To the extent that funds are not appropriated to the Department of Public Safety and Corrections, the department may make available for purchase to law enforcement agencies for use by their peace officers bulletproof vests no longer utilized by the department for which the manufacturer warranty has expired.

HB 98 (Act No. 402)**Author: Thompson**

-Retains the authority of sheriffs to issue concealed handgun permits for use within the boundaries of a parish, and authorizes sheriffs to issue a concealed handgun permit pursuant to a reciprocity agreement entered into with a sheriff of a contiguous parish.

Current Law: Under RS 40:1379.1(G), sheriffs may only issue concealed handgun permits for use within the boundaries of their parish.

Revision: Sub section (G) of RS 40:1379.1 is repealed, and the sheriff of a parish shall have the authority to issue a concealed handgun permit to any person. **The permit shall be valid only within the boundaries of the parish in which the sheriff has jurisdiction, unless the sheriff has entered into a reciprocity agreement with a sheriff of a contiguous parish.**

HB 105 (Act No. 100)

Author: Whitney

- To enact Code of Criminal Procedure Article 404(D), relative to jury commissions.

Current Law: Appointment of a jury commission is performed in East Baton Rouge by the judicial administrator, and the parish of Lafourche by the clerk of court.

New Law: In the parish of Terrebonne, the function of the jury commission shall be performed by the clerk of court of Terrebonne Parish or by a deputy clerk of court designated by him in writing to act in his stead in all matters affecting the jury commission.

HB 117 (Act No. 302)

Author: Howard

- Authorizes the 11th JDC to provide for a reentry division of court.

Current Law: The following district courts may assign certain divisions of the court as a reentry division: The Criminal District Court for the parish of Orleans or the Forty-First Judicial District Court, The Nineteenth Judicial District Court and The Twenty-Second Judicial District Court.

New Law: Authorizes the creation of a reentry division of the Eleventh Judicial District Court under 13:5401(C)(4).

HB 126 (Act No. 430)

Author: Hodges

- Provides relative to the posting of National Human Trafficking Resources Center hotline information at certain establishments.

Current Law: Each highway truck stop is required to post information regarding the National Human Trafficking Resource Hotline. The information must be posted promptly inside and outside the premises. The postings must be no smaller than 8.5"x11" and contain certain wording. Violations will assess a \$500 penalty.

New Law: Every full-service fuel facility adjacent to an interstate highway or highway rest stop is required to post information regarding the National Human Trafficking Resource Hotline. Guidelines and regulations for postings are assessed by the commissioner of the office of alcohol and tobacco control. Guidelines are available on their website. Violations of guidelines will result in a penalty paid to the state treasury of not less than \$50 but not more than \$500 for the first offense, not less than \$250 but not more than \$1,000 for a second offense that occurs within three years of the first and not less than \$500 but not more than \$2,500 for a third offense that occurs within three years of the first.

HB 127 (Act No. 303)

Author: Lorusso

-Creates certain crimes related to sexual offenses within the Louisiana Code of Military Justice.

Current Law: RS 29:220 reserved.

New Laws: Enacts RS 29:220, 220a and 220b. Creates multiple new sexual offense crimes for those under the Louisiana Code of Military Justice.

HB 145 (Act No. 132)

Author: Morris

- Provides relative to sex offender registration and notification requirements for offenders convicted pursuant to the laws of another state who establish a residence in La.

Current Law: Within sixty days of receiving certified court records from a sexual offender, the bureau shall determine the duration of registration and the frequency of in-person periodic renewals of registration while residing in Louisiana.

Revision: According to RS 15:542.1.3(B)(2)(c), if the period of registration required by the offender's jurisdiction of conviction is for the duration of their lifetime, the bureau shall not be required to determine which time period of registration and the frequency of in-person periodic renewals would be applicable to the offender while residing in Louisiana. In-person periodic renewals shall be every three months from the date of the original registration.

HB 152 (Act No. 239)

Author: Hazel

- Provides relative to parole eligibility for juvenile offenders convicted of homicide offenses.

Current Law: No prisoner serving a life sentence shall be eligible for parole until his life sentence has been commuted to a fixed term of years.

New Law: Under RS 15:574.4(E), Any person serving a life sentence for conviction of first or second degree murder who was under the age of 18 at the time of the offense shall be eligible for parole if a series of conditions have been met. Conditions include serving thirty-five years of imposed sentence, good behavior and the completion of several rehabilitation and education programs.

HB 167 (Act No. 133)

Author: Champagne

-Requests criminal history information for an applicant or prospective employee to an institution of postsecondary education.

Current Law: Applicants or prospective employees to an institution of postsecondary education shall make available all prior conviction information.

Revision: Applicants or prospective employees to an institution of postsecondary education shall make available all information for any offense, including convictions dismissed pursuant to Code of Criminal Procedure Article 893 or 894.

HB 184 (Act No. 4)

Author: Honore

- Authorizes certain nonprofit organizations to obtain criminal history record and identification files for applicants seeking to serve in certain programs.

Current Law: RS 15:587 pertaining to the duty to provide information to the Louisiana bureau of criminal identification and information ends at sub-section (G).

New Law: Under RS 15:587(H), any applicant seeking to serve in a program that receives assistant under the national service laws shall submit criminal history records and identification files to the Volunteer Louisiana Commission.

HB 189 (Act No. 240)

Author: Gaines

- Provides relative to the attempt to commit the crime of theft.

Current Law: If the offense of attempted is theft of an amount not less than **three hundred dollars** nor more than five thousand dollars, he shall be fined not more than five hundred dollars, imprisoned for not more than one year, or both.

Revision: If the offense of attempted is theft of an amount not less than **five hundred dollars** nor more than five thousand dollars, he shall be fined not more than five hundred dollars, imprisoned for not more than one year, or both.

HB 224 (Act No. 137)

Author: Hollis

- Provides for the removal of a school bus driver convicted for certain offenses relative to operating a vehicle while intoxicated.

Current Law: School bus drivers shall serve a probationary period of three years from the date of employment in a city, parish or other local public school system. During this period, the school board may dismiss the driver upon the recommendation of the superintendent.

Revision: A school board shall immediately dismiss or discharge an operator who is convicted of or has pled nolo contendere to a violation of a parish or municipal ordinance that prohibits operating a vehicle while intoxicated or any offense relative to operating a vehicle while intoxicated, regardless of whether the violation occurred while the operator was performing an official duty or responsibility as a school bus operator at the time of the offense.

HB 261 (Act No. 83)

Author: Hazel

- Provides that the term of imprisonment for certain offenses concerning prostitution shall be served at hard labor when the offense involves a person under a certain age.

Current Law: Offenders committing the crime of prostitution with a person under the age of eighteen shall be imprisoned for not less than fifteen years but not more than fifty years, or both.

New Law: Offenders committing the crime of prostitution with a person under the age of eighteen shall be imprisoned **at hard labor** for not less than fifteen years but not more than fifty years, or both.

HB 278 (Act No. 260)

Author: Hodges

- Adds coercion of a female child to undergo an abortion as a defined form of child abuse.

Current Law: Coerced abortion not included in definition of child abuse according to Children's Code Article 1569(A)(1).

Revision: Coerced, or the use of force, threat or intimidation, abortion is added to the list of definitions of child abuse according to the Children's Code Article.

HB 279 (Act No. 144)

Author: Henry

- Amends the definition of the crime of racketeering.

Current Law: RS 15:1352(A) defines which crimes define racketeering activity.

Revision: Adds enumerated crimes to the definition of racketeering activity according to RS 15:1352(A).

HB 282 (Act No. 279)

Author: Willmott

- Provides relative to appeals of certain administrative adjudication hearings in Jefferson Parish.

Current Law: Under RS 13:2575.1, relative to additional administrative adjudication procedures in Jefferson Parish, there are only subsections A and B.

New Law: Enacts RS 13:2575.1(C). In the parish of Jefferson, any party aggrieved by any administrative adjudication procedure pursuant to the provisions of this Chapter may appeal to the appropriate district court a determination of a hearing officer made pursuant to this Chapter.

HB 297 (Act No. 261)

Author: Johnson

- Limits the release of defendants on their own recognizance in certain circumstances.

Current Law: Article 334.4 of the Code of Criminal Procedure lists the crimes that if committed, offenders shall not be released by the court on the defendant's own recognizance or on the signature of any other person.

Revision: There shall be a rebuttable presumption that any defendant who has previously been released on his own recognizance or on the signature of any other person on a felony charge, and who has either been arrested for a new felony offense or has at any time failed to appear in court on a felony offense after having been notified in open court, shall not be released on his own recognizance or on the signature of any other person. This presumption may be overcome if the judge determines, after contradictory hearing in open court, that a review of the relevant factors warrants this type of release. The hearing shall take place within thirty days of the defendant's release.

HB 349 (Act No. 152)

Author: Price

-Provides relative to simple escape from a work release program.

Current Law: A person who is participating in a work release program and who commits the crime of simple escape shall be imprisoned with or without hard labor for not less than six months nor more than one year and any such sentence shall not run concurrently with any other sentence.

Revision: A person who is participating in a work release program and who commits the crime of simple escape may be imprisoned with or without hard labor for not less than six months nor more than one year. (Now, a sentence may run concurrently with another sentence.)

HB 361 (Act No. 249)

Author: Ritchie

- Provides relative to the use of a tracking device to track the location or movements of a minor child by parents.

Current Law: Under RS 14:323(C)(4), tracking devices are prohibited unless it is for a parent or legal guardian following a minor child.

Revision: When the parents of the minor child are living separate and apart or are divorced from one another, a tracking device is allowed only if both parents consent to the tracking of the minor child's location and movements, unless one parent has been granted sole custody, in which case consent of the noncustodial parent shall not be required.

HB 364 (Act No. 153)

Author: Berthelot

- Creates the crime of forgery of a motor vehicle inspection certificate and provides criminal penalties for the commission of such offense.

Current Law: No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection.

New Law: Whoever commits the crime of forgery of a motor vehicle inspection certificate shall be fined not more than five thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

HB 371 (Act No. 250)

Author: Lopinto

-Provides relative to discovery and inspection of certain types of evidence in criminal cases.

Current Law: Code of Criminal Procedure Articles 716, 717, 718, 719(A), 720, 721, 722, 723, 724, 725, 725.1, and 728 state laws pertaining to evidence and statements from witnesses and defendants.

Revision: Amends provisions relative to the discovery of statements made by defendants to include statements by any codefendant; to provide for protection of the identity of certain witnesses; to provide relative to the disclosure of criminal records of defendants, codefendants, and witnesses; to amend provisions relative to the discovery of documents and other tangible objects; to provide relative to the

discovery of reports and results of examinations and tests and the form of disclosure for such information; to provide relative to the discovery of statements of coconspirators; to provide relative to the discovery of confessions and statements of codefendants; to provide relative to the discovery of internal documents made by the state, the defendant, or agents of the state or defendant; to provide for prospective application.

HB 380 (Act No. 386)

Author: Lambert

- Provides relative to the disqualification of commercial motor vehicle drivers.

Current Law: Any person shall be disqualified for life from operating a commercial vehicle for conviction of a second offense of operating under the influence of alcohol, operating with a BAC of .08 or more, or operating while under the influence of a controlled substance.

New Law: Any person shall be disqualified for life from operating a commercial vehicle for a second reported submission to a chemical test in connection with the arrest for operating under the influence of alcohol, operating with a BAC of .08 or more, or operating while under the influence of a controlled substance.

HB 385 (Act No. 251)

Author: Hodges

- Amends provisions of law regarding post-conviction relief.

Current Law: Under Code of Criminal Procedures Articles 930.4(B)(C)(D)(E) and 930.8 (A)1, for repetitive applications, the court **MAY** deny relief if the petitioner had knowledge and inexcusably failed to raise in the proceedings leading to conviction, if the application alleges a claim which the petitioner raised in the trial court and inexcusably failed to pursue on appeal, if the application fails to raise a new or different claim or if it raises a new or different claim that was inexcusably omitted from a prior application.

New Law: Under Code of Criminal Procedures Articles 930.4(B)(C)(D)(E) and 930.8 (A)1, for repetitive applications, the court **SHALL** deny relief if the petitioner had knowledge and inexcusably failed to raise in the proceedings leading to conviction, if the application alleges a claim which the petitioner raised in the trial court and inexcusably failed to pursue on appeal, if the application fails to raise a new or different claim or if it raises a new or different claim that was inexcusably omitted from a prior application.

HB 424 (Act No. 388)

Author: Lopinto

- Provides relative to operating a vehicle while intoxicated as relates to third offense DWI.

Current Law: On conviction of a third offense of OWI, the offender shall be imprisoned with or without hard labor for not less than one year nor more than five years and shall be fined \$2,000.

Revision: The one year period described in the current law which shall be imposed without the benefit of probation, parole or suspension of sentence, may be suspended if the offender is accepted into a drug division probation program. This revision also applies to terms for fourth, fifth and sixth convictions.

HB 440 (Act No. 408)

Author: Billiot

- Provides relative to sex offender registration and notification.

Current Law: RS 15:542 states information registered sex offenders must provide to appropriate law enforcement agencies.

Revision: The list of information that must be submitted by registered sex offenders is expanded, including their vehicle identification number, a copy of their driver's license AND identification card, temporary lodging information that must be provided three days prior to the date of departure and other mandates.

HB 442 (Act No. 389)

Author: Lopinto

- Provides relative to sentencing and treatment of certain offenders convicted of certain violations of the Uniform Controlled Dangerous Substances Law.

Current Law: The district attorney may propose to the court that an individual defendant be screened for eligibility as a participant in the drug division probation program.

New Law: Enacts Subpart 7 of Part II of Chapter 5 of Title 15 of the Louisiana Revised Statutes, and Code of Criminal Procedure Articles 903 through 903.3. The secretary of the Department of Public Safety and Corrections is authorized to establish a substance abuse probation program within the department. The program shall provide substance abuse counseling and treatment for defendants sentenced to substance abuse probation pursuant to the provisions of Article 903.2.

HB 471 (Act No. 160)

Author: Ivey

- Provides relative to the annual report on criminal statistics published by the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice.

Current Law: The Louisiana Commission on Law Enforcement shall provide annually to the governor and members of the legislature a printed report containing criminal statistics of the preceding calendar year. Copies shall be distributed to all public officials in the state dealing with crimes and criminals and for public view.

Revision: The Crime in Louisiana report does not have to be printed, it may be sent electronically, and must be of the most recently available calendar year. However, printed copies must be distributed to the governor, the Chairman of the House Committee on Administration of Criminal Justice and the chairman of the Senate Committee on Judiciary C. Many others may be requested, also. Lastly, the report must be made available electronically on LCLE's website.

HB 482 (Act No. 255)**Author: Stokes**

- Provides relative to agency heads of auditees that receive three consecutive disclaimers of opinion audit reports.

Current Law: RS 24:581 (A)(B) and (C)

New Law: Enacts RS 24:581(D). If the type of audit report received by a local auditee from a licensed certified public accountant for three consecutive years is a disclaimer of opinion as defined by Generally Accepted Auditing Standards, the same person has served as agency head of the local auditee for those three consecutive years, and the legislative auditor determines that the agency head willfully failed to provide or maintain the necessary records to conduct the audit, then the three such audit reports shall be evidence of malfeasance in office by the agency head.

HB 512 (Act No. 6)**Author: Moreno**

- Provides relative to the interruption of time limitations for the commencement of a criminal trial.

Current Law: According to Code of Criminal Procedure Art. 579, the period of limitation established by Article 578 shall be interrupted if: (1) the defendant at any time, with the purpose to avoid detection, apprehension, or prosecution, flees from the state, is outside the state, or is absent from his usual place of abode within the state; or

(2) The defendant cannot be tried because of insanity or because his presence for trial cannot be obtained by legal process, or for any other cause beyond the control of the state; or

(3) The defendant fails to appear at any proceeding pursuant to actual notice, proof of which appears of record.

Also, the periods of limitation established by Article 578 shall commence to run anew from the date the cause of interruption no longer exists.

New Law: Enacts CCRP 579(C). If the defendant fails to appear in court pursuant to any provision of this article and the defendant is subsequently arrested, the periods of limitations established by Article 578 of this Code shall not commence to run anew until the defendant appears in person in open court where the case on the original charge is pending, or the district attorney prosecuting the original charge has notice of the defendant's custodial location.

HB 557 (Act No. 163)**Author: Willmott**

- Requires that mandatory reporters receive training on laws of mandatory reporting of child abuse.

Current Law: Article 609(A) of the Louisiana Children's Code states that mandatory reporters who have a cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect or that abuse or neglect was a contributing factor in a child's death, shall report the crime.

New Law: Enacts CHC Art. 609(A)(3). Mandatory reporters are to be offered training on the statutory requirements and responsibility of reporting child abuse and neglect. This training shall be made available by the child welfare division of the Department of Children and Family Services.

HB 717 (Act No. 403)**Author: Burns**

- Provides with respect to the reporting of certain judicial proceedings regarding the possession of firearms.

Current Law: RS 28:54(B) and RS 40:1379.3(C) illustrate guidelines of possessing firearms and prohibits anyone with certain criminal history or conditions from possessing a firearm.

New Law: Requires clerks of court to provide criminal background information to the Louisiana Supreme Court, mandates reporting of convictions of certain offenses and judicial determinations which would prohibit persons from possessing, shipping, transporting, or receiving firearms, mandates permits to carry a concealed weapon, provides procedures by which such information shall be reported to the Louisiana Supreme Court and to the National Instant Criminal Background Check System database, provides procedures by which certain persons may file a civil petition seeking adjudicated restoration of certain rights relative to the possession and carrying of certain firearms and provides procedures by which such petitions shall be filed, heard, recorded, and reported to the Louisiana Supreme Court and to the National Instant Criminal Background Check System.

HB 722 (Act No. 169)**Author: Honore**

- Provides for an additional fee to be assessed on criminal bonds posted in the city court of Baton Rouge.

Current Law: RS 15:85 illustrates guidelines for fees for posting of criminal bonds in certain parishes.

Revision: An additional fee of thirty-five dollars shall be assessed for every criminal bond posted in the city court of Baton Rouge. This fee shall be in addition to any other fees or fines provided by law. Any person seeking release by means of a criminal bond, or his designated representative, shall pay the fee to the constable for the Baton Rouge City Court who shall deposit the funds in the constable's fund for the city court of Baton Rouge.

HB 725 (Act No. 336)**Author: Greene**

- Provides relative to fiscal administrators for political subdivisions, including appointment, powers, and duties of political administrators and violations of law relative to political administrators.

Current Law: RS 39:1351 outlines guidelines for fiscal administrators for political subdivisions.

Revision: Failure of a political subdivision to provide an audit requirement to the legislative auditor for a period of three consecutive fiscal years shall automatically remove the subdivision from the category of "financial stability." Expands penalties, maybe criminal, to those in direct violation of supplying the fiscal administrator with the correct resources.

SB 162 *VETOED BY THE GOVERNOR*****

Author: Smith

- Provides for surrogacy contracts.

SB 187 (Act No. 27)

Author: Thompson

- Provides relative to veterinarians and the Prescription Monitoring Program.

Current Law: Veterinarians are included in the list of practitioners whom the Louisiana Board of Pharmacy has the authority to levy and collect an annual fee from who have the authority to prescribe or dispense controlled dangerous substances.

Revision: Veterinarians are an exception to the Prescription Monitoring Program and removed from the title of "dispenser."