
DIGEST

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HB 264 Engrossed

2016 Regular Session

Mack

Abstract: Provides for parole consideration for juveniles sentenced to life imprisonment for certain homicide offenses when certain conditions are met.

Present law provides that any person serving a sentence of life imprisonment for a conviction of first degree murder or second degree murder who was under the age of 18 at the time of the commission of the offense shall be eligible for parole consideration if a judicial determination has been made that the person is entitled to parole eligibility and provides that certain conditions are met.

In the case of *Montgomery v. Louisiana*, 577 U.S. ____ (January 25, 2016), the U.S. Supreme Court held that all juveniles (persons below 18) who were convicted of homicide (1st or 2nd degree murder), sentenced to a term of mandatory life without benefit of parole, and whose conviction became final prior to the *Miller v. Alabama*, 135 S.Ct. 2362 (2012), decision, should now receive a sentencing hearing to determine if they should receive parole eligibility.

Proposed law automatically provides parole eligibility to those juveniles whose convictions became final prior to the *Miller* decision. The *Miller* decision was rendered June 25, 2012. Proposed law would make all persons whose convictions became final prior to this date eligible for parole subject to the same conditions previously set forth in present law.

Proposed law provides that any person serving a sentence of life imprisonment for a conviction of first degree murder or second degree murder who was under the age of eighteen years at the time of the commission of the offense and whose conviction became final prior to June 25, 2012, shall be eligible for parole consideration if all of the following conditions have been met:

- (1) The offender has served 35 years of the sentence imposed.
- (2) The offender has not committed any disciplinary offenses in the 12 consecutive months prior to the parole eligibility date.
- (3) The offender has completed a minimum of 100 hours of prerelease programming.
- (4) The offender has completed substance abuse treatment as applicable.
- (5) The offender has obtained a GED or, in certain circumstances, has completed a literacy program, an adult basic education program, or a job skills training program.

- (6) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of DPS&C.
- (7) The offender has completed a reentry program to be determined by DPS&C.

Proposed law further provides that for such parole decisions, the committee on parole shall meet in a three-member panel and each member of the panel shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence pertaining to the offender.

Proposed law requires the panel to render specific findings of fact in support of its decision.

Proposed law provides that the district attorney may concede, in writing, parole eligibility or, within two years from the effective date of proposed law, may petition the court for a sentencing hearing pursuant to present law.

(Adds R.S. 15:574.4(F) and (G))