

2018 Regular Session

HOUSE BILL NO. 115

BY REPRESENTATIVE SMITH

PARDON/PAROLE: Provides relative to parole eligibility and rates for earning diminution of sentence for good behavior for persons convicted of a violent or sex offense

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AN ACT

To amend and reenact R.S. 15:571.3(B)(2)(c) and 574.4(A)(1)(b)(iii), relative to persons convicted of a crime of violence or sex offense; to provide relative to the rate of earning diminution of sentence for good behavior for persons convicted of a crime of violence or sex offense; to provide relative to the applicability of certain rates of earning diminution of sentence for good behavior; to provide relative to parole eligibility for persons convicted of a crime of violence or sex offense; to provide relative to the applicability of certain parole eligibility rates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:571.3(B)(2)(c) and 574.4(A)(1)(b)(iii) are hereby amended and reenacted to read as follows:

§571.3. Diminution of sentence for good behavior

* * *

B.

* * *

(2)

* * *

1 (c) The provisions of this Paragraph shall apply ~~only~~ to offenders ~~who~~
2 ~~commit an offense or whose probation or parole is revoked~~ convicted prior to and on
3 or after November 1, 2017.

4 * * *

5 §574.4. Parole; eligibility; juvenile offenders

6 A.(1)

7 * * *

8 (b)

9 * * *

10 (iii) The provisions of this Subparagraph shall be applicable ~~only~~ to persons
11 ~~who commit an offense or whose probation or parole is revoked~~ convicted prior to
12 and on or after November 1, 2017.

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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)]

HB 115 Original

2018 Regular Session

Smith

Abstract: Removes the provision requiring exclusive prospective application of parole eligibility rates and rates of earning diminution of sentence for good behavior for certain offenders who commit a crime of violence or sex offense.

Present law provides that persons convicted of a crime of violence without a prior conviction of a crime of violence or sex offense shall earn diminution of sentence at a rate of one day for every three days in actual custody held on the imposed sentence. However, this provision of present law shall not apply to an offender whose instant conviction is for a crime that is listed both as a crime of violence and sex offense under present law.

Present law further provides that this provision of present law shall apply only to offenders who commit an offense or whose probation or parole is revoked on or after Nov. 1, 2017.

Proposed law removes the exclusive prospective application and provides that the present law rate of diminution of sentence of one day for every three days in actual custody shall apply to offenders convicted prior to and on or after Nov. 1, 2017.

With respect to parole eligibility for persons convicted of a crime of violence or a sex offense, present law provides as follows:

- (1) A person, otherwise eligible for parole, convicted of a crime of violence who does not have a prior felony conviction for a crime of violence or a prior felony conviction

for a sex offense shall be eligible for parole consideration upon serving 65% of the sentence imposed.

- (2) A person, otherwise eligible for parole, whose instant offense is a second conviction of a crime of violence or a first or second conviction of a sex offense shall be eligible for parole consideration upon serving 75% of the sentence imposed.
- (3) A person convicted a third or subsequent time of a crime of violence or a third or subsequent time of a sex offense shall not be eligible for parole.

Present law provides that these rates of parole eligibility for persons convicted of a crime of violence or sex offense set forth in present law shall have prospective application and shall be applicable only to persons who commit an offense or whose probation or parole is revoked on or after Nov. 1, 2017.

Proposed law removes the exclusive prospective application of these parole eligibility rates and provides that such rates shall apply to persons convicted prior to and on or after Nov. 1, 2017.

(Amends R.S. 15:571.3(B)(2)(c) and 574.4(A)(1)(b)(iii))