
DIGEST

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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))