

## RÉSUMÉ DIGEST

ACT 561 (HB 631)

2018 Regular Session

Hunter

Existing constitution (La. Const. Art. XII, §5(E)) and existing law (R.S. 15:572) provide that the governor may grant reprieves to persons convicted of offenses against the state and, upon recommendation of the Board of Pardons, may commute sentences, pardon those convicted of offenses against the state, and remit fines and forfeitures imposed for such offenses.

Existing rules (LAC 22:V.205(D)(5)) adopted by the Board of Pardons provide that the board shall notify an applicant after its receipt of notification from the governor that the board's favorable recommendation for clemency was denied or no action was taken. The rules further provide that if the applicant is notified that no action was taken by the governor, the applicant may request reconsideration of the board's favorable recommendation. The applicant must submit a re-application within one year from the date on the board's notification to the applicant of no action taken by the governor.

New law retains existing constitution and existing law and provides that when no action is taken by the governor on a recommendation for clemency issued by the board, the person seeking clemency shall not be required to reapply to the board and the recommendation shall not expire upon the expiration of the governor's term in office and may be reviewed by the next governor to take office.

In addition, new law requires the board to adopt rules pursuant to the Administrative Procedure Act to provide for the provisions of new law, but the rules shall not require the person seeking clemency to reapply when no action is taken by the governor on the board's recommendation that the person receive clemency.

Effective August 1, 2018.

(Adds R.S. 15:572.4(E))