
DIGEST

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HB 145 Engrossed

2021 Regular Session

Bryant

Abstract: Allows for parole eligibility of persons convicted of specific crimes under certain circumstances.

Present law provides that notwithstanding present law provisions, unless eligible for parole at an earlier date, a person committed to the Dept. of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole for 30 years or more shall be eligible for parole consideration upon serving at least 20 years of the term or terms of imprisonment in actual custody and upon reaching the age of 45.

Present law further provides that parole eligibility is not applicable to any person who has been convicted of armed robbery under R.S. 14:64, a crime of violence as defined in R.S. 14:2(B), or a sex offense as defined in R.S. 15:541.

Proposed law amends present law to provide that persons who have been convicted of armed robbery under R.S. 14:64 shall be eligible for parole consideration upon serving at least 20 years of the term or terms of imprisonment in actual custody and upon reaching the age of 45.

Proposed law specifies that a person who has been convicted of a crime of violence or a sex offense shall not be eligible for parole when the offense was committed on or after Aug. 1, 2014.

Present law provides that except as provided by present law, no prisoner serving a life sentence shall be eligible for parole consideration until his life sentence has been commuted to a fixed term of years and no prisoner sentenced as a serial sexual offender shall be eligible for parole. No prisoner may be paroled while there is pending against him any indictment or information for any crime suspected of having been committed by him while a prisoner.

Present law further provides that a person convicted of a crime of violence and not otherwise ineligible for parole shall serve at least 65% of the sentence imposed, before being eligible for parole.

Present law also provides that the victim or victim's family shall be notified whenever the offender is to be released provided that the victim or victim's family has completed a Louisiana victim notice and registration form as provided in R.S. 46:1841 et seq., or has otherwise provided contact information and has indicated to the Dept. of Public Safety and Corrections, Crime Victims Services Bureau, that they desire such notification.

Proposed law retains present law but removes the prohibition that no person shall be eligible for parole consideration who has been convicted of armed robbery and denied under the provisions of present law (R.S. 14:64).

Proposed law provides that notwithstanding present law or any provision of law to the contrary, a person committed to the Dept. of Public Safety and Corrections shall be eligible for parole consideration upon serving 15 years in actual custody if all of the following conditions are met:

- (1) The person was not eligible for parole consideration at an earlier date.
- (2) The person was sentenced to life imprisonment without parole, probation, or suspension of sentence after being convicted of a third or subsequent felony offense under R.S. 15:529.1 for the instant offense.

Proposed law further provides that proposed law is not applicable to those who meet any of the following criteria:

- (1) The instant conviction is a crime of violence under R.S. 14:2(B).
- (2) The instant conviction or any prior conviction, whether or not that prior conviction was used in the habitual offender conviction under R.S. 15:529.1, is both a crime of violence under R.S. 14:2(B) and a sex offense under R.S. 15:541.
- (3) The person would still qualify for a sentence of life imprisonment without parole, probation, or suspension of sentence as a third or subsequent offense under R.S. 15:529.1 as it was amended in Act Nos. 257 and 282 of the 2017 R.S.

(Amends R.S. 15:574.4(A)(2) and (B)(1); Adds R.S. 15:574.4(A)(6))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes to citations.
2. With regard to those not eligible for parole consideration upon reaching 45 years old and serving at least 20 years, change the date the offense was committed from July 1, 2008, to Aug. 1, 2014, for those convicted of a crime of violence or a sex offense.
3. Remove provision specifying that the offense be committed after July 1, 2008, for those convicted of a crime of violence and required to serve at least 65% of the sentence imposed.
4. Remove retroactive application of proposed law.

5. Allow habitual offenders with non-violent and non-sex offenses who were sentenced to life to be eligible for parole consideration after serving 15 years in actual custody.