

2022 Regular Session

HOUSE BILL NO. 654

BY REPRESENTATIVE BRYANT

PAROLE: Provides relative to parole

1 AN ACT

2 To amend and reenact R.S. 15:574.4(A)(1)(a) and (5)(a), (E)(1), (F)(1), and (G)(1), and
3 574.12(B) and to enact R.S. 15:574.4(A)(7) and (8), relative to parole; to provide
4 relative to parole eligibility; to provide relative to applicability; to provide relative
5 to offenses committed prior to, on, or after certain dates; to provide relative to
6 committee on parole hearings; to provide relative to parole supervision; to provide
7 relative to reports; to provide relative to documentation; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:574.4(A)(1)(a) and (5)(a), (E)(1), (F)(1), and (G)(1), and
11 574.12(B) are hereby amended and reenacted and R.S. 15:574.4(A)(7) and (8) are hereby
12 enacted to read as follows:

13 §574.4. Parole; eligibility; juvenile offenders

14 A.(1)(a) Unless eligible at an earlier date, a person otherwise eligible for
15 parole shall be eligible for parole consideration upon serving twenty-five percent of
16 the sentence imposed. The provisions of this Subparagraph shall not apply to any
17 person whose instant offense is a crime of violence as defined in R.S. 14:2(B), a sex
18 offense as defined in R.S. 15:541, or any offense which would constitute a crime of
19 violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541,
20 regardless of the date of conviction. ~~Notwithstanding any provisions of law to the~~

1 offenders eligible for parole consideration pursuant to the provisions of this Section
2 shall be released from incarceration to parole supervision on the offender's parole
3 eligibility date, without a hearing before the committee on parole, if all of the
4 following have occurred:

5 (i) The committee on parole, has determined, based on the committee's
6 objective guidelines, which include consideration of the nature of the offender's
7 conviction, the offender's institutional programming or treatment, and the offender's
8 risk assessment, that the offender has met the requirements of release to parole
9 supervision.

10 (ii) A victim of the offense has not requested the committee conduct a
11 hearing.

12 (iii) The offender has not committed any major disciplinary offenses in the
13 twelve consecutive months prior to the parole hearing date. A major disciplinary
14 offense is an offense identified as a Schedule B offense by the Department of Public
15 Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.

16 (iv) The offender has agreed to the conditions of supervision.

17 (v) The offender has a discharge plan approved by the committee on parole.

18 (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
19 any offender eligible for parole consideration pursuant to the provisions of
20 Subparagraph (a) of this Paragraph for whom there is insufficient information for the
21 committee on parole to determine whether the offender has met the requirements of
22 release to parole supervision shall be granted a hearing with the committee on parole.

23 (c) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
24 a hearing shall be held with the committee on parole if requested by the victim.

25 (d) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
26 a hearing shall be held by the committee on parole if a law enforcement official from
27 the community where the offender plans to return contacts the committee and
28 requests a hearing to consider information relevant to public safety risks posed by
29 the offender if paroled at the initial parole eligibility date. The law enforcement

1 F.(1) Notwithstanding any provision of law to the contrary and except as
2 provided in Subsection G of this Section, any person serving a sentence of life
3 imprisonment for a conviction of second degree murder (R.S. 14:30.1) who was
4 under the age of eighteen years at the time of the commission of the offense ~~and~~
5 ~~whose indictment for the offense is on or after August 1, 2017~~, shall be eligible for
6 parole consideration if all of the following conditions have been met:

7 (a) The offender has served twenty-five years of the sentence imposed.

8 (b) The offender has not committed any major disciplinary offenses in the
9 twelve consecutive months prior to the parole hearing date. A major disciplinary
10 offense is an offense identified as a Schedule B offense by the Department of Public
11 Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.

12 (c) The offender has completed the mandatory minimum of one hundred
13 hours of pre-release programming in accordance with R.S. 15:827.1.

14 (d) The offender has completed substance abuse treatment as applicable.

15 (e) The offender has obtained a GED certification, unless the offender has
16 previously obtained a high school diploma or is deemed by a certified educator as
17 being incapable of obtaining a GED certification due to a learning disability. If the
18 offender is deemed incapable of obtaining a GED certification, the offender shall
19 complete at least one of the following:

20 (i) A literacy program.

21 (ii) An adult basic education program.

22 (iii) A job skills training program.

23 (f) The offender has obtained a low-risk level designation determined by a
24 validated risk assessment instrument approved by the secretary of the Department
25 of Public Safety and Corrections.

26 (g) The offender has completed a reentry program to be determined by the
27 Department of Public Safety and Corrections.

28 * * *

1 G.(1) Notwithstanding any provision of law to the contrary, any person
2 serving a sentence of life imprisonment for a conviction of first degree murder (R.S.
3 14:30) or second degree murder (R.S. 14:30.1) who was under the age of eighteen
4 years at the time of the commission of the offense ~~and whose indictment for the~~
5 ~~offense was prior to August 1, 2017,~~ shall be eligible for parole consideration
6 pursuant to the provisions of this Subsection if a judicial determination has been
7 made that the person is entitled to parole eligibility pursuant to Code of Criminal
8 Procedure Article 878.1(B) and all of the following conditions have been met:

9 (a) The offender has served twenty-five years of the sentence imposed.

10 (b) The offender has not committed any major disciplinary offenses in the
11 twelve consecutive months prior to the parole hearing date. A major disciplinary
12 offense is an offense identified as a Schedule B offense by the Department of Public
13 Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.

14 (c) The offender has completed the mandatory minimum of one hundred
15 hours of pre-release programming in accordance with R.S. 15:827.1.

16 (d) The offender has completed substance abuse treatment as applicable.

17 (e) The offender has obtained a GED certification, unless the offender has
18 previously obtained a high school diploma or is deemed by a certified educator as
19 being incapable of obtaining a GED certification due to a learning disability. If the
20 offender is deemed incapable of obtaining a GED certification, the offender shall
21 complete at least one of the following:

22 (i) A literacy program.

23 (ii) An adult basic education program.

24 (iii) A job skills training program.

25 (f) The offender has obtained a low-risk level designation determined by a
26 validated risk assessment instrument approved by the secretary of the Department
27 of Public Safety and Corrections.

28 (g) The offender has completed a reentry program to be determined by the
29 Department of Public Safety and Corrections.

or any offense which would constitute a crime of violence or sex offense as defined in present law, regardless of the date of conviction.

Proposed law retains present law.

Present law applies to persons convicted of offenses prior to and on or after Nov. 1, 2017.

Proposed law repeals present law.

Present law provides that a person, otherwise eligible for parole, whose instant offense is a second conviction of a crime of violence as defined in present law (R.S. 14:2(B)) or a first or second conviction of a sex offense as defined in present law (R.S. 15:541) shall be eligible for parole consideration upon serving 75% of the sentence imposed.

Present law provides that a person convicted a third or subsequent time of a crime of violence as defined present law (R.S. 14:2(B)) or a third or subsequent time of a sex offense as defined in present law (R.S. 15:541) shall not be eligible for parole.

Proposed law retains present law.

Present law applies only to persons who commit an offense or whose probation or parole is revoked on or after Nov. 1, 2017.

Proposed law repeals present law.

Present law provides that 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 for the instant offense and the instant offense was committed between June 29, 1995, and June 15, 2001.
- (3) The person is eligible for relief under present law (R.S. 15:308), including a person serving a life sentence with or without additional terms of years.

Proposed law deletes the present law condition that a person be sentenced to life imprisonment without parole, probation, or suspension of sentence for an instant offense committed between June 29, 1995, and June 15, 2001.

Proposed law provides that a person committed to the Dept. of Public Safety and Corrections shall be eligible for parole consideration upon serving 20 years in actual custody if the person was not eligible for parole consideration at an earlier date. Provides that proposed law shall not apply to a person serving a life sentence unless the sentence has been commuted to a fixed term of years.

Proposed law does not apply to any person whose instant offense is a crime of violence as defined in present law (R.S. 14:2(B)), a sex offense as defined in present law (R.S. 15:51), or any offense which would constitute a crime of violence or sex offense as defined in present law.

Proposed law provides that all other offenders eligible for parole consideration pursuant to proposed law shall be released from incarceration to parole supervision on the offender's parole eligibility date, without a hearing before the committee on parole, if all of the following have occurred:

(1) The committee on parole, has determined, based on the committee's objective guidelines, which include consideration of the nature of the offender's conviction, the offender's institutional programming or treatment, and the offender's risk assessment, that the offender has met the requirements of release to parole supervision.

(2) A victim of the offense has not requested the committee conduct a hearing.

(3) The offender has not committed any major disciplinary offenses in the 12 consecutive months prior to the parole hearing date. A major disciplinary offense is an offense identified as a Schedule B offense by the Dept. of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.

(4) The offender has agreed to the conditions of supervision.

(5) The offender has a discharge plan approved by the committee on parole.

Proposed law provides that any offender eligible for parole consideration pursuant to proposed law for whom there is insufficient information for the committee on parole to determine whether the offender has met the requirements of release to parole supervision shall be granted a hearing with the committee on parole.

Proposed law provides that a hearing shall be held with the committee on parole if requested by the victim.

Proposed law provides that a hearing shall be held by the committee on parole if a law enforcement official from the community where the offender plans to return contacts the committee and requests a hearing to consider information relevant to public safety risks posed by the offender if paroled at the initial parole eligibility date. Provides that the law enforcement official shall submit an explanation documenting these concerns for the committee to consider.

Present law provides that any person serving a sentence of life imprisonment for a conviction of first degree murder (R.S. 14:30) who was under the age of 18 years at the time of the commission of the offense and whose indictment for the offense is on or after Aug. 1, 2017, shall be eligible for parole consideration pursuant to present law if a judicial determination has been made that the person is entitled to parole eligibility pursuant to present law (C.Cr.P. Art. 878.1(A)) and various conditions have all been met.

Proposed law amends present law to remove the condition that a person's indictment for the offense be on or after Aug. 1, 2017.

Present law provides that any person serving a sentence of life imprisonment for a conviction of second degree murder (R.S. 14:30.1) who was under the age of 18 years at the time of the commission of the offense and whose indictment for the offense is on or after Aug. 1, 2017, shall be eligible for parole consideration if various conditions have all been met.

Proposed law amends present law to remove the condition that a person's indictment for the offense be on or after Aug. 1, 2017.

Present law provides that any person serving a sentence of life imprisonment for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) who was under the age of 18 years at the time of the commission of the offense and whose indictment for the offense was prior to Aug. 1, 2017, shall be eligible for parole consideration pursuant to present law if a judicial determination has been made that the person is entitled to parole eligibility pursuant to present law (C.Cr.P. Art. 878.1(B)) and various conditions have all been met.

Proposed law deletes the present law condition that a person's indictment for the offense be prior to Aug. 1, 2017.

Present law provides that information may be released upon request without special authorization, subject to restrictions.

Proposed law retains present law.

Proposed law provides that a copy of the pre-parole report, any accompanying documentation to be considered by the committee on parole, and any preliminary or final findings of the committee on parole shall be provided to the offender, and his legal representative, in accordance with the La. Administrative Code, except for those documents withheld from the offender under the La. Administrative Code.

(Amends R.S. 15:574.4(A)(1)(a) and (5)(a), (E)(1), (F)(1), and (G)(1), and 574.12(B); Adds R.S. 15:574.4(A)(7) and (8))