

2023 Regular Session

HOUSE BILL NO. 66

BY REPRESENTATIVE VILLIO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CORRECTIONS/PRISONERS: Provides relative to forfeiture of good time credit

1 AN ACT

2 To amend and reenact R.S. 15:571.4(B) and (C), 571.5(C), and 574.9(F), relative to
3 forfeiture of diminution of sentence and parole; to provide for forfeiture of good time
4 and credits earned toward the reduction of sentence based on certain offenses; to
5 provide for eligibility; to provide for forfeiture of good time and credits earned
6 toward the reduction of sentence after revocation of parole; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:571.4(B) and (C), 571.5(C), and 574.9(F) are hereby amended and
10 reenacted to read as follows:

11 §571.4. Forfeiture of diminution of sentence

12 * * *

13 B.(1) An inmate who is sentenced to the custody of the Department of Public
14 Safety and Corrections ~~and who commits~~ shall forfeit all good time and credits
15 earned toward the reduction of the projected good time parole supervision date
16 earned on that portion of his sentence if he commits, attempts to commit, or
17 conspires to commit any of the following offenses:

18 (a) Any crime of violence, as defined in R.S. 14:2(B), that is punishable by
19 imprisonment of more than ten years.

20 (b) Second degree battery, as defined in R.S. 14:34.1.

- 1 (c) Battery of a police officer, as defined in R.S. 14:34.2.
- 2 (d) Battery of a correctional facility employee, as defined in R.S. 14:34.5.
- 3 (e) Disarming of a peace officer, as defined in R.S. 14:34.6.
- 4 (f) Battery of emergency room personnel, emergency services personnel, or
5 a healthcare professional, as defined in R.S. 14:34.8.
- 6 (g) Aggravated assault, as defined in R.S. 14:37.
- 7 (h) Second degree sexual battery, as defined in R.S. 14:43.2.
- 8 (i) Oral sexual battery, as defined in R.S. 14:43.3.
- 9 (j) Simple kidnapping, as defined in R.S. 14:45.
- 10 (k) Simple robbery as defined in R.S. 14:65.
- 11 (l) ~~a simple~~ Simple or aggravated escape, as defined in R.S. 14:110, from
12 any correctional facility, work-release facility or from the lawful custody of any law
13 enforcement officer or officer of the department, or, in the case of an inmate serving
14 a sentence and participating in a work-release program authorized by law, fails to
15 report to or return from his planned employment or other activity under the program;
16 may forfeit all good time and credits toward the reduction of the projected good time
17 parole supervision date earned on that portion of his sentence served prior to his
18 escape.
- 19 (2) An inmate who is sentenced to the custody of the Department of Public
20 Safety and Corrections shall forfeit three years of good time and credits earned
21 toward the reduction of the projected good time parole supervision date earned on
22 that portion of his sentence if he commits any of the following offenses:
- 23 (a) Simple battery, as defined in R.S. 14:35.
- 24 (b) Simple assault, as defined in R.S. 14:38.
- 25 (c) Failure to obey direct orders.
- 26 (d) Misdemeanor sexual battery, as defined in R.S. 14:43.1.1.
- 27 (e) Participating in a riot, as defined in R.S. 14:329.1.
- 28 (f) Possession of contraband, as defined in R.S. 14:402(D)(1) through (3).

1 (3) An inmate who is sentenced to the custody of the Department of Public
2 Safety and Corrections shall forfeit two years of good time and credits earned toward
3 the reduction of the projected good time parole supervision date earned on that
4 portion of his sentence if he commits any of the following offenses:

5 (a) Fighting without a weapon.

6 (b) Destruction of property.

7 (c) Theft.

8 (d) Refusal to work.

9 (e) Violations of curfew.

10 (f) Possession of contraband, as defined in R.S. 14:402(D)(9).

11 (4) An inmate who is sentenced to the custody of the Department of Public
12 Safety and Corrections shall forfeit one day of good time and credits earned toward
13 the reduction of the projected good time parole supervision date earned on that
14 portion of his sentence if he commits any of the following offenses:

15 (a) Gambling, as defined in R.S. 14:90.

16 (b) Trespass in an unauthorized area.

17 (c) Disorderly conduct.

18 (d) Possession of contraband, as defined in R.S. 14:402(D)(4) through (8)
19 and (10).

20 (e) Insubordination.

21 ~~(2)~~ (5) An inmate who has been returned to the custody of the department
22 because of a violation of the terms of parole granted by the committee on parole shall
23 forfeit all good time earned or credits toward the reduction of the projected good
24 time parole supervision date on that portion of the sentence served prior to the
25 granting of parole.

26 ~~(3) An inmate who is sentenced to the custody of the department and who~~
27 ~~commits a battery on an employee of the Department of Public Safety and~~
28 ~~Corrections or any police officer as defined in R.S. 14:34.2 may forfeit good time~~
29 ~~earned or credits toward the reduction of the projected good time parole supervision~~

1 ~~date on that portion of the sentence served prior to committing the battery of such~~
2 ~~person, up to a maximum of one hundred eighty days.~~

3 (4) ~~In all other cases, forfeiture of good time or credits toward the reduction~~
4 ~~of the projected good time parole supervision date may include up to a maximum of~~
5 ~~one hundred eighty days.~~

6 C. The secretary may promulgate rules and regulations regarding the
7 restoration of previously forfeited good time for disciplinary violations or credits
8 toward the reduction of the projected good time parole supervision date. In order to
9 be eligible for restoration of good time or credits toward the reduction of the
10 projected good time parole supervision date which has been previously forfeited, the
11 inmate shall not have been found guilty of any major rule violation for a consecutive
12 twenty-four month period, ~~and shall not have been found guilty of a minor rule~~
13 ~~violation for a consecutive six-month period, and shall not have committed,~~
14 ~~attempted to commit, or conspired to commit any offense listed in Paragraph (B)(1)~~
15 ~~or Subparagraph (B)(2)(f) of this Section.~~ Restoration of previously forfeited good
16 time or credits toward the reduction of the projected good time parole supervision
17 date shall not exceed five hundred forty days.

18 * * *

19 §571.5. Supervision upon release after diminution of sentence for good behavior;
20 conditions of release; revocation

21 * * *

22 C. If such person's parole is revoked by the parole committee for violation
23 of the terms of parole, the person shall be recommitted to the department for the
24 remainder of the original full term; and shall not be given credit for time served
25 while released on parole ~~subject to credit for time served for good behavior while on~~
26 ~~parole.~~

27 * * *

1 §574.9. Revocation of parole for violation of condition; committee panels; return
2 to custody hearing; duration of reimprisonment and reparole after revocation;
3 credit for time served; revocation for a technical violation

4 * * *

5 F. When the parole of a parolee has been revoked by the committee for
6 violation of the conditions of parole, the parolee shall be returned to the physical
7 custody of the Department of Public Safety and Corrections, corrections services,
8 and serve the remainder of his sentence as of the date of his release on parole, ~~and~~
9 ~~any credit for time served for good behavior while on parole.~~ The parolee shall be
10 given credit for time served prior to the revocation hearing for time served in actual
11 custody while being held for a parole violation in a local detention facility, state
12 institution, or out-of-state institution pursuant to Code of Criminal Procedure Article
13 880, but the parolee shall not be given credit for time served while released on
14 parole.

15 * * *

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 66 Original 2023 Regular Session Villio

Abstract: Provides for forfeiture of good time and credits earned toward the reduction of sentence in certain circumstances.

Present law (R.S. 15:571.4(B)) provides for circumstances that can result in the forfeiture of an inmate's good time or credits toward the reduction of the projected good time parole supervision date.

Present law (R.S. 15:571.4(B)(1)) provides that an inmate who commits a simple or aggravated escape, as defined in present law (R.S. 14:110), from any correctional facility, work-release facility, or from the lawful custody of any law enforcement officer or officer of the department may forfeit all good time and credits earned on that portion of his sentence.

Present law (R.S. 15:571.4(B)(1)) further provides that an inmate who fails to report to or return from his planned employment or other activity under a work-release program may forfeit all good time and credits earned on that portion of his sentence.

Proposed law retains present law, but changes the forfeiture of good time and credits from permissive to mandatory for an inmate who commits, attempts to commit, or conspires to commit a simple or aggravated escape.

Proposed law further amends present law to provide for a mandatory forfeiture of all good time and credits earned on that portion of an inmate's sentence if he commits, attempts to commit, or conspires to commit any of the following offenses:

- (1) Any crime of violence, as defined in present law (R.S. 14:2(B)), that is punishable by imprisonment of more than 10 years.
- (2) Second degree battery (R.S. 14:34.1).
- (3) Battery of a police officer (R.S. 34.2).
- (4) Battery of a correctional facility employee (R.S. 14:34.5).
- (5) Disarming of a peace officer (R.S. 14:34.6).
- (6) Battery of emergency room personnel, emergency services personnel, or a healthcare professional (R.S. 14:34.8).
- (7) Aggravated assault (R.S. 14:37).
- (8) Second degree sexual battery (R.S. 14:43.2).
- (9) Oral sexual battery (R.S. 14:43.3).
- (10) Simple kidnapping (R.S. 14:45).
- (11) Simple robbery (R.S. 14:65).

Proposed law provides for a mandatory forfeiture of three years of good time and credits earned on that portion of an inmate's sentence if he commits, attempts to commit, or conspires to commit any of the following offenses:

- (1) Simple battery (R.S. 14:35).
- (2) Simple assault (R.S. 14:38).
- (3) Failure to obey direct orders.
- (4) Misdemeanor sexual battery (R.S. 14:43.1.1).
- (5) Participating in a riot (R.S. 14:329.1).
- (6) Possession of contraband (R.S. 14:402(D)(1) through (3)).

Proposed law provides for a mandatory forfeiture of two years of good time and credits earned on that portion of an inmate's sentence if he commits any of the following offenses:

- (1) Fighting without a weapon.
- (2) Destruction of property.
- (3) Theft.
- (4) Refusal to work.

- (5) Violations of curfew.
- (6) Possession of contraband (R.S. 14:402(D)(9)).

Proposed law provides for a mandatory forfeiture of one day of good time and credits earned on that portion of an inmate's sentence if he commits any of the following offenses:

- (1) Gambling (R.S. 14:90).
- (2) Trespass in an unauthorized area.
- (3) Disorderly conduct.
- (4) Possession of contraband (R.S. 14:402(D)(4) through (8) and (10)).
- (5) Insubordination.

Present law (R.S. 15:571.4(B)(2)) provides that an inmate who has been returned to the custody of the department for a violation of the terms of parole shall forfeit all good time earned or credits toward the reduction of the projected good time parole supervision date on that portion of the sentence served prior to the granting of parole.

Proposed law retains present law.

Present law (R.S. 15:571.4(B)(3)) provides that an inmate who commits a battery on a DPS&C employee or any police officer as defined in present law (R.S. 14:34.2) may forfeit up to a maximum of 180 days of good time earned or credits on that portion of the sentence served prior to the battery.

Proposed law amends present law to provide for a mandatory forfeiture of all good time and credits earned on that portion of an inmate's sentence if he commits, attempts to commit, or conspires to commit a battery of a police officer as defined in present law (R.S. 34.2) or a battery of a correctional facility employee as defined in present law (R.S. 14:34.5).

Present law (R.S. 15:571.4(B)(4)) provides that in all other cases, forfeiture of good time or credits toward the reduction of the projected good time parole supervision date may include up to a maximum of 180 days.

Proposed law amends present law to remove the maximum 180-day limit on forfeiture of good time.

Present law (R.S. 15:571.4(C)) provides that the secretary of DPS&C may promulgate rules and regulations regarding the restoration of previously forfeited good time for disciplinary violations or credits toward the reduction of the projected good time parole supervision date.

Present law further provides that an inmate seeking eligibility for restoration of previously forfeited good time or credits shall not have been found guilty of any major rule violation for a consecutive 24-month period and shall not have been found guilty of a minor rule violation for a consecutive six-month period. Further provides that restoration of previously forfeited good time or credits shall not exceed 540 days.

Proposed law amends present law to provide the additional requirement that an inmate seeking eligibility for restoration of previously forfeited good time or credits shall also not have committed, attempted to commit, or conspired to commit any offense listed in proposed law (R.S. 15:571.4(B)(1) or (B)(2)(f)).

Present law (R.S. 15:571.5(C)) provides that a person who has his parole revoked by the parole committee for violation of the terms of parole shall be recommitted to DPS&C for the

remainder of the original full term, subject to credit for time served for good behavior while on parole.

Proposed law amends present law to provide that a person who has his parole revoked shall not be given credit for time served while released on parole.

Present law (R.S. 15:574.9(F)) provides that a person who has had his parole revoked by the committee for violation of the conditions of parole shall be returned to the physical custody of DPS&C, corrections services, and serve the remainder of his sentence as of the date of his release on parole, and any credit for time served for good behavior while on parole.

Present law further provides that the parolee shall be given credit for time served prior to the revocation hearing for time served in actual custody while being held for a parole violation in a local detention facility, state institution, or out-of-state institution pursuant to present law (C.Cr.P. Art. 880).

Proposed law amends present law to provide that a person who has his parole revoked shall not be given any credit for good behavior while on parole and shall not be given credit for time served while released on parole.

(Amends R.S. 15:571.4(B) and (C), R.S. 15:571.5(C), and 574.9(F))