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## DIGEST

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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))