

2023 Regular Session

HOUSE BILL NO. 70

BY REPRESENTATIVES VILLIO, SCHEXNAYDER, AND SCHLEGEL

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

CRIMINAL/SENTENCING: Provides relative to diminution of sentence and parole eligibility for fourth or subsequent nonviolent felony offenses

1 AN ACT

2 To amend and reenact R.S. 15:571.3(B)(1)(a) and (D) and 574.4(A)(1)(a) and to enact R.S.
3 15:571.3(B)(3) and 574.4(A)(1)(c), relative to criminal sentencing; to provide
4 relative to diminution of sentence; to provide for the rate of diminution of sentence
5 for certain circumstances; to provide for parole eligibility; to provide relative to
6 parole eligibility for certain circumstances; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:571.3(B)(1)(a) and (D) and 574.4(A)(1)(a) are hereby amended
9 and reenacted and R.S. 15:571.3(B)(3) and 574.4(A)(1)(c) are hereby enacted to read as
10 follows:

11 §571.3. Diminution of sentence for good behavior

12 * * *

13 B.(1)(a) Unless otherwise prohibited, every offender in the custody of the
14 department who has been convicted of a felony, except an offender convicted a
15 second time of a crime of violence as defined by R.S. 14:2(B) or an offender
16 convicted a fourth or subsequent time of a nonviolent felony offense, and sentenced
17 to imprisonment for a stated number of years or months, may earn, in lieu of
18 incentive wages, a diminution of sentence by good behavior and performance of
19 work or self-improvement activities, or both, to be known as "good time". Those
20 offenders serving life sentences will be credited with good time earned which will

1 be applied toward diminution of their sentences at such time as the life sentences
 2 might be commuted to a specific number of years. The secretary shall establish
 3 regulations for awarding and recording of good time and shall determine when good
 4 time has been earned toward diminution of sentence. The amount of diminution of
 5 sentence allowed under the provisions of this Section shall be at the rate of thirteen
 6 days for every seven days in actual custody served on the imposed sentence,
 7 including time spent in custody with good behavior prior to sentencing for the
 8 particular sentence imposed as authorized by the provisions of Code of Criminal
 9 Procedure Article 880.

* * *

11 (3) An offender convicted of a fourth or subsequent nonviolent felony
 12 offense shall earn a diminution of sentence at a rate of one day for every two days
 13 in actual custody held on the imposed sentence, including time spent in custody with
 14 good behavior prior to sentencing for the particular sentence imposed as authorized
 15 by Code of Criminal Procedure Article 880. The provisions of this Paragraph shall
 16 not apply to any person who has been convicted of a sex offense as defined in R.S.
 17 15:541.

* * *

19 D.(1) Diminution of sentence shall not be allowed for an offender in a parish
 20 prison or in the custody of the Department of Public Safety and Corrections if the
 21 instant offense is a second offense crime of violence as defined by R.S. 14:2(B).

22 (2) Diminution of sentence shall not be allowed for an offender in a parish
 23 prison or in the custody of the Department of Public Safety and Corrections if the
 24 instant offense is a sex offense as defined by R.S. 15:541.

* * *

26 §574.4. Parole; eligibility; juvenile offenders

27 A.(1)(a) Unless eligible at an earlier date, a person otherwise eligible for
 28 parole shall be eligible for parole consideration upon serving twenty-five percent of
 29 the sentence imposed. The provisions of this Subparagraph shall not apply to any

1 person whose instant offense is a crime of violence as defined in R.S. 14:2(B), a sex
 2 offense as defined in R.S. 15:541, or any offense which would constitute a crime of
 3 violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or
 4 whose instant offense is a fourth or subsequent conviction of a nonviolent felony
 5 offense, regardless of the date of conviction. Notwithstanding any provisions of law
 6 to the contrary, the provisions of this Subparagraph shall be applicable to persons
 7 convicted of offenses prior to and on or after November 1, 2017.

* * *

9 (c) A person, otherwise eligible for parole, whose instant offense is a fourth
 10 or subsequent conviction of a nonviolent felony offense, shall be eligible for parole
 11 consideration upon serving sixty-five percent of the sentence imposed. The
 12 provisions of this Subparagraph shall not apply to any person who has been
 13 convicted of a sex offense as defined in R.S. 15:541.

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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 70 Original

2023 Regular Session

Villio

Abstract: Provides relative to diminution of sentence and parole eligibility for offenders convicted a fourth or subsequent time of a nonviolent felony offense.

Present law (R.S. 15:571.3(B)(1)(a)) provides that every offender in the custody of the DPS&C who has been convicted of a felony, except an offender convicted a second time of a crime of violence, and sentenced to imprisonment for a stated number of years or months, may earn good time in lieu of incentive wages. Offenders serving life sentences will be credited with good time earned which will be applied toward diminution of their sentences at such time as the life sentences might be commuted to a specific number of years.

Proposed law amends present law to provide for an exception for an offender convicted a fourth or subsequent time of a nonviolent felony offense.

Proposed law further provides that an offender convicted of a fourth or subsequent nonviolent felony offense shall earn a diminution of sentence at a rate of one day for every two days in actual custody held on the imposed sentence, including time spent in custody with good behavior prior to sentencing for the particular sentence imposed as authorized by present law (C.Cr.P. Art. 880). Proposed law shall not apply to any person convicted of a sex offense.

Present law (R.S. 15:571.3(D)) provides that diminution of sentence shall not be allowed for an offender in the custody of the DPS&C if the instant offense is a second offense crime of violence or if the instant offense is a sex offense.

Proposed law amends present law to provide that diminution of sentence shall also not be allowed for an offender in a parish prison if the instant offense is a second offense crime of violence or if the instant offense is a sex offense.

Present law (R.S. 15:574.4(A)(1)(a)) provides that a person otherwise eligible for parole shall be eligible for parole consideration upon serving 25% of the sentence imposed. Further provides that present law shall not apply to any person whose instant offense is a crime of violence, a sex offense, or any offense which would constitute a crime of violence or a sex offense, regardless of the date of conviction.

Proposed law provides that present law shall also not apply to a person whose instant offense is a fourth or subsequent conviction of a nonviolent felony offense.

Proposed law further provides that a person, otherwise eligible for parole, whose instant offense is a fourth or subsequent conviction of a nonviolent felony offense, shall be eligible for parole consideration upon serving 65% of the sentence imposed. Proposed law shall not apply to any person who has been convicted of a sex offense.

(Amends R.S. 15:571.3(B)(1)(a) and (D) and 574.4(A)(1)(a); Adds R.S. 15:571.3(B)(3) and 574.4(A)(1)(c))