

1 of parole who has served at least ten years of the term or terms of imprisonment in
2 actual custody shall be eligible for parole consideration upon reaching the age of
3 sixty years if all of the following conditions have been met:

4 * * *

5 (e) The offender has obtained ~~a GED credential, unless the offender has~~
6 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
7 ~~being incapable of obtaining a GED credential due to a learning disability. If the~~
8 ~~offender is deemed incapable of obtaining a GED credential, the offender shall~~
9 ~~complete~~ or completed at least one of the following:

10 (i) a A literacy program;

11 (ii) ~~an~~ An adult basic education program;

12 (iii) ~~or a~~ A job-skills training program.

13 (iv) A GED certification.

14 * * *

15 B.

16 * * *

17 (2) Notwithstanding any provision of law to the contrary, any person serving
18 a life sentence, with or without the benefit of parole, who has not been convicted of
19 a crime of violence as defined by R.S. 14:2(B), a sex offense as defined by R.S.
20 15:541, or an offense, regardless of the date of conviction, which would constitute
21 a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S.
22 15:541, shall be eligible for parole consideration as follows:

23 (a) If the person was at least eighteen years of age and under the age of
24 twenty-five years at the time he was sentenced to life imprisonment, he shall be
25 eligible for parole consideration if all of the following conditions have been met:

26 * * *

27 (vi) The person has obtained ~~a GED credential, unless the prisoner has~~
28 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
29 ~~being incapable of obtaining a GED credential due to a learning disability or because~~

1 such programming is not available. If the prisoner is deemed incapable of obtaining
2 a ~~GED~~ credential, the person shall complete or completed at least one of the
3 following:

- 4 (aa) a A literacy program;
- 5 (bb) an An adult basic education program;
- 6 (cc) ~~or a~~ A job-skills training program.
- 7 (dd) A GED certification.

8 (b) If the person was at least twenty-five years of age and under the age of
9 thirty-five years at the time he was sentenced to life imprisonment, he shall be
10 eligible for parole consideration if all of the following conditions have been met:

11 * * *

12 (vi) The person has obtained a ~~GED~~ credential, unless the prisoner has
13 previously obtained a high school diploma or is deemed by a certified educator as
14 being incapable of obtaining a GED credential due to a learning disability or because
15 such programming is not available. If the prisoner is deemed incapable of obtaining
16 a ~~GED~~ credential, the person shall complete or completed at least one of the
17 following:

- 18 (aa) a A literacy program;
- 19 (bb) an An adult basic education program;
- 20 (cc) ~~or a~~ A job-skills training program.
- 21 (dd) A GED certification.

22 (c) If the person was at least thirty-five years of age and under the age of
23 fifty years at the time he was sentenced to life imprisonment, he shall be eligible for
24 parole consideration if all of the following conditions have been met:

25 * * *

26 (vi) The person has obtained a ~~GED~~ credential, unless the prisoner has
27 previously obtained a high school diploma or is deemed by a certified educator as
28 being incapable of obtaining a GED credential due to a learning disability or because
29 such programming is not available. If the prisoner is deemed incapable of obtaining

1 a ~~GED credential, the person shall complete~~ or completed at least one of the
2 following:

3 (aa) a A literacy program;

4 (bb) an An adult basic education program;

5 (cc) or a A job-skills training program.

6 (dd) A GED certification.

7 * * *

8 D.(1) Notwithstanding any provision of law to the contrary, any person
9 serving a sentence of life imprisonment who was under the age of eighteen years at
10 the time of the commission of the offense, except for a person serving a life sentence
11 for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S.
12 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this
13 Subsection if all of the following conditions have been met:

14 * * *

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~~ or completed at least one of the following:

20 * * *

21 (iv) A GED certification.

22 * * *

23 E.(1) Notwithstanding any provision of law to the contrary and except as
24 provided in Subsection G of this Section, any person serving a sentence of life
25 imprisonment for a conviction of first degree murder (R.S. 14:30) who was under the
26 age of eighteen years at the time of the commission of the offense and whose
27 indictment for the offense is on or after August 1, 2017, shall be eligible for parole
28 consideration pursuant to the provisions of this Subsection if a judicial determination
29 has been made that the person is entitled to parole eligibility pursuant to Code of

1 Criminal Procedure Article 878.1(A) and all of the following conditions have been
2 met:

3 * * *

4 (e) The offender has obtained a ~~GED certification, unless the offender has~~
5 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
6 ~~being incapable of obtaining a GED certification due to a learning disability. If the~~
7 ~~offender is deemed incapable of obtaining a GED certification, the offender shall~~
8 ~~complete~~ or completed at least one of the following:

9 * * *

10 (iv) A GED certification.

11 * * *

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

18 * * *

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

24 * * *

25 (iv) A GED certification.

26 * * *

27 G.(1) Notwithstanding any provision of law to the contrary, any person
28 serving a sentence of life imprisonment for a conviction of first degree murder (R.S.
29 14:30) or second degree murder (R.S. 14:30.1) who was under the age of eighteen

1 years at the time of the commission of the offense and whose indictment for the
2 offense was prior to August 1, 2017, shall be eligible for parole consideration
3 pursuant to the provisions of this Subsection if a judicial determination has been
4 made that the person is entitled to parole eligibility pursuant to Code of Criminal
5 Procedure Article 878.1(B) and all of the following conditions have been met:

6 * * *

7 (e) The offender has obtained a ~~GED certification, unless the offender has~~
8 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
9 ~~being incapable of obtaining a GED certification due to a learning disability. If the~~
10 ~~offender is deemed incapable of obtaining a GED certification, the offender shall~~
11 complete or completed at least one of the following:

12 * * *

13 (iv) A GED certification.

14 * * *

15 J.(1) Notwithstanding any provision of law to the contrary, and except as
16 provided in Subsections D, E, F, G, and H of this Section, any person serving a term
17 or terms of imprisonment that result in a period of incarceration of twenty-five years
18 or more and who was under the age of eighteen years at the time of the commission
19 of the offense shall be eligible for parole consideration pursuant to the provisions of
20 this Subsection if all of the following conditions have been met:

21 * * *

22 (e) The offender has obtained a ~~GED certification, unless the offender has~~
23 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
24 ~~being incapable of obtaining a GED certification due to a learning disability. If the~~
25 ~~offender is deemed incapable of obtaining a GED certification, the offender shall~~
26 complete or completed at least one of the following:

27 * * *

28 (iv) A GED certification.

29 * * *

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

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 444 Original

2023 Regular Session

Freiberg

Abstract: Provides relative to parole eligibility conditions for certain offenders.

Present law (R.S. 15:574.4) provides for parole eligibility for certain offenders.

Proposed law retains present law.

Present law (R.S. 15:574.4) further provides the following groups of offenders with eligibility for parole consideration if certain conditions have been met:

- (1) Any person committed to DPS&C for a term or terms of imprisonment with or without benefit of parole who has served at least 10 years of the term or terms of imprisonment in actual custody and who has reached the age of 60 years.
- (2) Any person who has not been convicted of a crime of violence as defined in present law (R.S. 14:2(B)), a sex offense as defined in present law (R.S. 15:541), or an offense, regardless of the date of conviction, which would constitute a crime of violence or a sex offense who, when sentenced to life imprisonment with or without the benefit of parole, was in any of the following age ranges:
 - (a) At least 18 years of age and under the age of 25.
 - (b) At least 25 years of age and under the age of 35.
 - (c) At least 35 years of age and under the age of 50.
- (3) Any person serving a sentence of life imprisonment who was under the age of 18 years at the time of the commission of the offense, except for a person serving a life sentence for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1).
- (4) 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.
- (5) 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.

- (6) 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.
- (7) Any person serving a term or terms of imprisonment that resulted in a period of incarceration of 25 years or more and who was under the age of 18 years at the time of the commission of the offense.

Proposed law retains present law.

Present law provides that, as one of the conditions to be eligible for parole, the offender obtain a GED credential.

Present law provides an exception to the requirement of obtaining a GED for an offender who is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. Further provides that if the offender is deemed incapable of obtaining a GED credential, the offender shall complete at least one of the following:

- (1) A literacy program.
- (2) An adult basic education program.
- (3) A job-skills training program.

Proposed law amends present law by removing the exception for an offender who is deemed incapable of obtaining a GED and by providing that any offender may be eligible for parole if he completes at least one of the following:

- (1) A literacy program.
- (2) An adult basic education program.
- (3) A job-skills training program.
- (4) A GED certification.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:574.4(A)(4)(e), (B)(2)(a)(vi), (b)(vi), and (c)(vi), (D)(1)(e)(intro. para.), (E)(1)(e)(intro. para.), (F)(1)(e)(intro. para.), (G)(1)(e)(intro. para.), and (J)(1)(e)(intro. para.); Adds R.S. 15:574.4(D)(1)(e)(iv), (E)(1)(e)(iv), (F)(1)(e)(iv), (G)(1)(e)(iv), and (J)(1)(e)(iv))