

2023 Regular Session

HOUSE BILL NO. 188

BY REPRESENTATIVE FRIEMAN

1 AN ACT

2 To enact R.S. 15:529.3, relative to parole; to provide for certain disqualifying criteria for
3 parole eligibility; to provide for denial of parole for certain offenders; to provide for
4 an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:529.3 is hereby enacted to read as follows:

7 §529.3. Denial of parole for dangerous offenders

8 A. When filing an information accusing a person of a previous conviction
9 pursuant to this Chapter, the district attorney may allege that the person is a
10 dangerous offender. The court shall hold a hearing to determine whether the person
11 is a dangerous offender. If the court concludes that the person is a dangerous
12 offender, the court may order that the sentence imposed be served without benefit of
13 probation, suspension of sentence, or parole until eighty-five percent of the sentence
14 is served.

15 B. A person may be alleged to be a dangerous offender if he has been
16 previously convicted of committing, attempting to commit, or conspiring to commit
17 any of the following offenses:

18 (1) A crime of violence as defined in R.S. 14:2(B).

19 (2) A sex offense as defined in R.S. 15:541(24).

20 (3) The production, manufacture, or distribution of any controlled dangerous
21 substance listed in Schedules I or II of the Uniform Controlled Dangerous Substance
22 Law other than marijuana.

23 (4) A violation of the Louisiana Racketeering Act, R.S. 15:1351 et seq.

24 (5) A violation of the Louisiana Street Terrorism Enforcement and
25 Prevention Act, R.S. 15:1401 et seq.

1 C. In determining whether a person is a dangerous offender, the court shall
2 consider all of the following circumstances:

3 (1) The factors enumerated in Code of Criminal Procedure Article 894.1(B).

4 (2) The nature and extent of any prior delinquent or criminal history.

5 (3) The success or failure of any previous attempts to rehabilitate the
6 defendant.

7 (4) The defendant's conduct while previously incarcerated or on probation
8 or parole.

9 (5) Any other facts the court deems relevant.

10 D. If the court orders that the sentence imposed is to be served without the
11 benefit of parole, probation, or suspension of sentence, the court shall state for the
12 record the considerations taken into account and the factual basis for its
13 determination.

14 E. This Section shall not apply to any sentence which is already designated
15 to be served without parole, probation, or suspension of sentence.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____