

## RÉSUMÉ DIGEST

ACT 276 (HB 444)

2023 Regular Session

Freiberg

Existing law provides for the powers and duties of the committee on parole.

Existing law provides that the committee on parole may grant parole with two votes of a three-member panel if certain conditions are met.

Existing law provides that one of the conditions that an offender shall fulfill to be eligible for parole is that the offender has obtained a GED credential, unless the offender has previously obtained a high school diploma or 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 must complete at least one of the following: a literacy program, an adult basic education program, or a job-skills training program.

New law amends existing 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 high school equivalency certificate.

Existing law provides for parole eligibility for certain offenders.

Existing law further provides the following groups of offenders with eligibility for parole consideration if certain conditions have been met:

- (1) Any person committed to the Dept. of Public Safety and Corrections (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 existing law, a sex offense as defined in existing law, 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.
  - (d) At least 50 years of age.
- (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 or second degree murder.
- (4) Any person serving a sentence of life imprisonment for a conviction of first degree murder 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 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 or second degree murder 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.

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

Existing 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.

New law amends existing 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 high school equivalency certificate.

Existing law provides for the decisions of the committee on parole.

Existing law provides that before the committee on parole places a person on parole, the committee shall determine if he has a high school diploma or its equivalent and, if he does not, the committee shall condition parole upon the parolee's enrolling in and attending an adult education or reading program until he obtains a GED credential, or until he completes such educational programs required by the committee, and has attained a sixth grade reading level, or until his term of parole expires, whichever occurs first. Further provides that all costs shall be paid by the parolee and if the committee finds that there are no adult education or reading programs in the parish in which the parolee is domiciled, the parolee is unable to afford such a program, or attendance would create an undue hardship on the parolee, the committee may suspend this condition of parole.

Existing law further provides that the provisions of existing law shall not apply to those parolees who are mentally, physically, or by reason of age, infirmity, dyslexia, or other such learning disorders, unable to participate.

New law amends existing law to provide that before the committee on parole places a person on parole, the committee shall condition parole upon the parolee's enrolling in or completion of one of the following:

- (1) A literacy program.
- (2) An adult basic education program.
- (3) A job-skills training program.
- (4) A high school equivalency certificate.

New law further amends existing law to provide that the provisions of existing law shall also not apply to parolees who have already obtained a high school equivalency certificate or high school diploma.

Effective upon signature of governor (June 9, 2023).

(Amends R.S. 15:574.2(C)(2)(e), 574.4(A)(4)(e), (B)(2)(a)(vi), (b)(vi), (c)(vi), and (d)(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.), and 574.4.2(E); 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))