
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 5 Engrossed

2024 Second Extraordinary Session

McMath

Present law provides that the committee on parole meets in a minimum of three-member panels at the adult correctional institutions on regular scheduled dates, not less than every three months.

Proposed law retains present law.

Present law provides that three votes of a three-member panel are required to grant parole or, if the number exceeds a three-member panel, a unanimous vote of those present is required to grant parole.

Proposed law retains the three-vote and unanimous vote requirements of present law and adds that for parole to be granted, all of the following conditions must be met:

1. The offender has not committed any major disciplinary offenses in the 36 consecutive months prior to the parole eligibility date.
2. The offender has completed the mandatory minimum of 100 hours of pre-release programming, if such programming is available at the facility where the offender is incarcerated.
3. The offender has completed substance abuse treatment as applicable.
4. The offender has obtained or completed at least one of the following:
 - a. A literacy program.
 - b. An adult basic education program.
 - c. A job skills training program.
 - d. A high school equivalency certificate.
5. The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Dept. of Public Safety and Corrections.

Present law provides that no person convicted of a crime of violence against any peace officer will be granted parole except after a meeting, duly noticed and held on a date to be determined by the chairman, at which at least five of the seven members of the committee are present and all members present vote to grant parole.

Proposed law retains present law.

Present law requires the committee on parole to notify in writing the district attorney of the parish where the conviction occurred of any parole hearing, at least 60 days prior to the hearing date.

Proposed law retains present law but changes the notice deadline to 90 days before the hearing and requires notice to the attorney general as well.

Present law allows the district attorney of the parish where the conviction occurred to review the record of the offender since incarceration, including any educational or vocational training, rehabilitative program participation, disciplinary conduct, and risk assessment score. Present law further allows the district attorney to present testimony to the committee on parole and submit information relevant to the proceedings.

Proposed law retains present law and adds that the attorney general is allowed to review the offender's record and present relevant testimony.

Present law requires the committee on parole, when requested, to notify in writing the chief of police, the sheriff, and the district attorney of the parish where the offender resides and the conviction occurred at least seven days before the offender is released.

Proposed law requires notice of the offender's release to the chief of police, sheriff, and district attorney without first receiving a request for notice.

Proposed law otherwise retains present law.

Present law requires the committee on parole to notify in writing the victim, or the spouse or next of kin of a deceased victim, when the offender is scheduled for a parole hearing, at least 60 days prior to the hearing date. Present law further requires this notice to advise the victim or deceased victim's spouse or next of kin how to obtain information about their rights with regard to the hearing. Present law further allows the victim or deceased victim's spouse or next of kin to testify at the parole hearing, directly and in rebuttal.

Proposed law retains present law but changes the notice deadline to 90 days before the hearing.

Proposed law provides that a parole hearing cannot be held unless and until the committee members have ensured compliance with all notification requirements of present law and proposed law. Proposed law further provides that any order issued pursuant to a hearing that was not conducted in compliance with the notice requirements of proposed law is null and void. Proposed law further provides that the registered victim representative, the district attorney, and the attorney general have the right to appeal any order issued pursuant to a hearing that was not conducted in compliance with the notice requirements of proposed law and to seek any available relief, including injunctive relief. Proposed law further provides that any appeal pursuant to proposed law suspends the order of the Board of Pardons or committee on parole pending final adjudication of the appeal.

Present law provides that parole hearings will be conducted in a formal manner in accordance with the rules formulated by the committee and with the provisions of present law. Present law further provides that before the parole of any prisoner is ordered, the prisoner must appear before and be interviewed by the committee on parole, except those incarcerated in parish prisons or parish correctional centers, in which case one committee member may conduct the interview. Present law further provides that the committee may order a reconsideration of the case or a rehearing at any time.

Proposed law retains present law and adds that the committee is to schedule parole hearings in the order in which the applications are filed, to the extent feasible.

Present law provides that beginning August 1, 2024, the committee on parole will not consider a parole rehearing of any prisoner who is serving a sentence for any of the following offenses until at least four years after the denial of parole:

1. Any crime of violence or sex offense for which the prisoner is serving a life sentence and for which the prisoner is eligible for parole pursuant to certain provisions of present law.
2. Any crime that is both a crime of violence and a sex offense for which the prisoner is serving a fixed term of years and for which the prisoner is eligible for parole pursuant to certain provisions of present law.
3. Manslaughter for which the prisoner is eligible for parole pursuant to certain provisions of present law.

Proposed law provides that beginning August 1, 2024, the committee will not consider a parole rehearing for any prisoner serving a sentence for any crime of violence or sex offense until at least five years after the denial of parole.

Present law provides that the prisoner's release date is to be fixed by the committee, but the release date cannot be later than six months after the parole hearing or the most recent reconsideration of the prisoner's case.

Proposed law provides that the prisoner's release date will be fixed by the committee, but deletes the six-month deadline for release and adds that the release date is subject to modification, alteration, or rescission for any reason deemed appropriate or necessary by the committee at any time prior to the prisoner's signing of the certificate of parole and actual release from custody onto parole supervision.

Proposed law provides that the committee on parole will have the authority and sole discretion to rescind, modify, reconsider, or otherwise alter any prior decision granting parole release, for any reason deemed appropriate by the committee. Proposed law further provides that no offender has or will acquire any right to parole release based upon any initial decision of the committee on parole.

Effective August 1, 2024.

(Amends R.S. 15:574.2(C) and (D)(8) and (9) and 574.4.1(A)(1) and (D)(1); adds R.S. 15:574.4.1(E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Provide that subsequent parole hearings for reconsideration will be scheduled to the extent feasible in the order in which the applications are filed.
2. Add provisions relative to the effect of a parole hearing held without complying with the notice requirements of proposed law.
3. Add provisions relative to certain parties' ability to appeal a parole decision issued from a hearing not in compliance with the notice provisions of proposed law.
4. Provide that certain provisions of proposed law apply before an offender's actual release from custody onto parole supervision.