

2024 Second Extraordinary Session

SENATE BILL NO. 10

BY SENATOR CATHEY

CRIME/PUNISHMENT. Reduces good time earned by prisoners sentenced for the death of a peace officer or first responder. (gov sig) (Item #2)

1 AN ACT

2 To amend and reenact R.S. 15:571.3(B)(1)(a), the introductory paragraph of (C), (D), and
3 (F) and to enact R.S. 15:571.3(G), relative to diminution of a sentence for good
4 behavior; to provide for reduction of good time credit for offenders convicted in the
5 death of a peace officer or first responder; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:571.3(B)(1)(a), the introductory paragraph of (C), (D), and (F) are
8 hereby amended and reenacted and R.S. 15:571.3(G) is hereby enacted to read as follows:

9 §571.3. Diminution of sentence for good behavior

10 * * *

11 B.(1)(a) Unless otherwise prohibited, every offender in the custody of the
12 department who has been convicted of a felony, except an offender convicted a
13 second **or subsequent** time of a crime of violence as defined by R.S. 14:2(B) **or as**
14 **provided in Subsection F of this Section,** or an offender convicted a fourth or
15 subsequent time of a nonviolent felony offense, and sentenced to imprisonment for
16 a stated number of years or months, may earn, in lieu of incentive wages, a
17 diminution of sentence by good behavior and performance of work or

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

11 * * *

12 C. Diminution of sentence shall not be allowed **to be earned by** an inmate
 13 in the custody of the Department of Public Safety and Corrections if any of the
 14 following apply:

15 * * *

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

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

23 * * *

24 F. **Notwithstanding any other provision of law to the contrary, a person**
 25 **convicted in the death of a victim killed in the line of duty as a peace officer or**
 26 **first responder shall earn diminution of sentence at a rate of one day for every**
 27 **thirty days in custody.**

28 G. No later than August first of each year, the Department of Public Safety
 29 and Corrections shall submit an annual report to the legislature relative to offenders

1 released from custody during the preceding fiscal year pursuant to the provisions of
2 this Section. This report shall include the following information:

3 (1) The name and offender number of the released offender.

4 (2) The date on which the offender was released.

5 (3) The offense for which the offender was incarcerated at the time of his
6 release, including whether the offense was a crime of violence as defined in R.S.
7 14:2(B) or a sex offense as defined in R.S. 15:541.

8 (4) A grid which shows the earliest release date that offenders would have
9 been eligible for release notwithstanding the provisions of Section 3 of Act No. 280
10 of the 2017 Regular Session of the Legislature.

11 (5) Whether the offender obtained a GED certification or completed a literacy
12 program, an adult basic education program, or a job skills training program before
13 being released from custody.

14 (6) Any information relative to juvenile offenders that is exempt from release
15 pursuant to a public records request or otherwise considered confidential by law shall
16 be redacted from the report provided for by this Subsection.

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

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle D. Ridge.

DIGEST

SB 10 Reengrossed

2024 Second Extraordinary Session

Cathey

Present law provides that an offender in the custody of the Dept. of Public Safety and Corrections who is convicted of a felony, except an offender convicted a second time of a crime of violence, or an offender convicted a fourth or subsequent time of a nonviolent felony offense, and sentenced to imprisonment for a specific amount of time, earns diminution of sentence ("good time") at a rate of 13 days for every seven days in actual custody, including time spent in custody prior to sentencing for the particular sentence imposed.

Proposed law expands the exception in present law to an offender who has been convicted a second or subsequent time of a crime of violence.

Proposed law creates an exception when the offense is for the death of a peace officer or first responder, for which the offender will earn good time at a rate of one day for every 30 days in actual custody, and time spent in custody prior to sentencing does not earn good time credit.

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

(Amends R.S. 15:571.3(B)(1)(a), (C)(intro para), (D), and (F); adds R.S. 15:571.3(G))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Provide that diminution of sentence provisions in present law do not apply to an offender convicted of a second or subsequent time of a crime of violence.