

SENATE BILL NO. 5

ACT No. 11

BY SENATORS MCMATH AND SEABAUGH AND REPRESENTATIVES FONTENOT
AND MIKE JOHNSON

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AN ACT

To amend and reenact R.S. 15:574.2(C) and (D)(8) and (9) and 574.4.1(A)(1) and (D)(1) and to enact R.S. 15:574.4.1(E), relative to parole; to provide relative to parole procedures; to provide relative to the votes required for parole decisions; to provide relative to victim and law enforcement notification; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.2(C) and (D)(8) and (9) and 574.4.1(A)(1) and (D)(1) are hereby amended and reenacted and R.S. 15:574.4.1(E) is hereby enacted to read as follows:

§574.2. Committee on parole, Board of Pardons; membership; qualifications; vacancies; compensation; domicile; venue; meetings; quorum; panels; powers and duties; transfer of property to committee; representation of applicants before the committee; prohibitions

* * *

C.(1) The committee shall meet in a minimum of three-member panels at the adult correctional institutions on regular scheduled dates, not less than every three months. Such dates are to be determined by the chairman. ~~Except as provided for in Paragraph (2) of this Subsection or in cases where the offender is released pursuant to Paragraph (4) of this Subsection, three votes of a three-member panel shall be required to grant parole, or, if the number exceeds a three-member panel, a unanimous vote of those present shall be required to grant parole.~~

(2) ~~Except in cases where the offender is released pursuant to Paragraph (4) of this Subsection, the committee may grant parole with two votes of a three-member panel, or, if the number exceeds a three-member panel, a majority vote of those present~~ **as provided in Paragraph (3) of this Subsection, three votes of a three-**

1 member panel shall be required to grant parole or, if the number of members
 2 of the panel exceeds three, a unanimous vote of those present shall be required
 3 to grant parole and only if all of the following conditions are met:

4 ~~(a) The offender has not been convicted of a sex offense as defined in R.S.~~
 5 ~~15:541 or an offense which would constitute a sex offense as defined in R.S. 15:541,~~
 6 ~~regardless of the date of conviction.~~

7 ~~(b)~~ The offender has not committed any major disciplinary offenses in the
 8 ~~twelve~~ **thirty-six** consecutive months prior to the parole eligibility date. A major
 9 disciplinary offense is an offense identified as a Schedule B offense by the
 10 Department of Public Safety and Corrections in the Disciplinary Rules and
 11 Procedures of Adult Offenders.

12 ~~(c)~~**(b)** The offender has completed the mandatory minimum of one hundred
 13 hours of pre-release programming in accordance with R.S. 15:827.1 if such
 14 programming is available at the facility where the offender is incarcerated.

15 ~~(d)~~**(c)** The offender has completed substance abuse treatment as applicable.

16 ~~(e)~~**(d)** The offender has obtained or completed at least one of the following:

17 (i) A literacy program.

18 (ii) An adult basic education program.

19 (iii) A job skills training program.

20 (iv) A high school equivalency certificate.

21 ~~(f)~~**(e)** The offender has obtained a low-risk level designation determined by
 22 a validated risk assessment instrument approved by the secretary of the Department
 23 of Public Safety and Corrections.

24 (3) Notwithstanding any other provision of law in this Section, no person
 25 convicted of a crime of violence against any peace officer, as defined in R.S.
 26 14:30(B), shall be granted parole except after a meeting, duly noticed and held on a
 27 date to be determined by the chairman, at which at least five of the seven members
 28 of the committee are present and all members present vote to grant parole.

29 ~~(4) Repealed by Acts 2019, No. 369, §4, eff. August 1, 2019.~~

30 D. In accordance with the provisions of this Part, the committee on parole

1 shall have the following powers and duties:

2 * * *

3 (8)(a) To notify the district attorney of the parish where the conviction
 4 occurred **and the attorney general**. The notification shall be in writing and shall be
 5 issued at least ~~sixty~~ **ninety** days prior to the hearing date. ~~For offenders eligible for~~
 6 ~~release pursuant to Paragraph (C)(4) of this Section, the notification shall be in~~
 7 ~~writing and shall be issued at least ninety days prior to the offender's administrative~~
 8 ~~parole eligibility date. If the offender's charge or amended charge on the bill of~~
 9 ~~information was a crime of violence as defined in R.S. 14:2(B) or a sex offense as~~
 10 ~~defined in R.S. 15:541, the district attorney of the parish in which the conviction~~
 11 ~~occurred shall have thirty days from the date of notification to object to the~~
 12 ~~offender's release on administrative parole and may request that the committee on~~
 13 ~~parole conduct a hearing. The district attorney of the parish where the conviction~~
 14 occurred **and the attorney general** shall be allowed to review the record of the
 15 offender since incarceration, including but not limited to any educational or
 16 vocational training, rehabilitative program participation, disciplinary conduct, and
 17 risk assessment score. The district attorney **and the attorney general** shall be
 18 allowed to present testimony to the committee on parole and submit information
 19 relevant to the proceedings, ~~except as provided in Paragraph (C)(4) of this Section.~~

20 (b) ~~When requested, to~~ **To** notify the chief of police, where such exists, and
 21 the sheriff and district attorney of the parish where the individual resides and the
 22 conviction occurred. The notification shall be in writing and shall be issued at least
 23 seven days prior to the release of any parolees residing within the jurisdiction of the
 24 agency.

25 (9)(a) To notify the victim, or the spouse or next of kin of a deceased victim,
 26 when the offender is scheduled for a parole hearing. The notification shall be in
 27 writing and sent by mail or electronic communications no less than ~~sixty~~ **ninety** days
 28 prior to the hearing date. The notice shall advise the victim, or the spouse or next of
 29 kin of a deceased victim, how to obtain information about their rights with regard to
 30 the hearing. The notice is not required when the victim, or the spouse or next of kin

1 of a deceased victim, advises the committee in writing that such notification is not
 2 desired. The victim, or the spouse or next of kin of a deceased victim, shall be
 3 allowed to testify at the hearing. The victim, or the spouse or next of kin of a
 4 deceased victim, shall be allowed to testify directly, ~~or~~ **and** in rebuttal to testimony
 5 or evidence offered by or on behalf of the offender, ~~or both~~.

6 (b) Notice by electronic communications is allowed only in instances where
 7 the victim has opted in to ~~such form of~~ notification **by electronic communication**
 8 during the registration process and **notification by electronic communication** is
 9 complete upon transmission.

10 **(c) No scheduled parole hearing for any offender shall be conducted or**
 11 **held unless and until the committee members have ensured compliance with all**
 12 **notification requirements of this Subsection. Any order issued pursuant to a**
 13 **hearing that was not conducted in compliance with the notice requirements of**
 14 **this Subsection shall be null and void. The registered victim representative, the**
 15 **district attorney, and the attorney general may appeal any order issued**
 16 **pursuant to a hearing that was not conducted in compliance with the notice**
 17 **requirements of this Subsection and to seek any available relief, including**
 18 **injunctive relief. Any appeal pursuant to this Subparagraph shall suspend the**
 19 **order of the Board of Pardons or committee on parole pending final**
 20 **adjudication of the appeal.**

21 * * *

22 §574.4.1. Parole consideration and hearings

23 A.(1)(a) The parole hearings shall be conducted in a formal manner in
 24 accordance with the rules formulated by the committee and with the provisions of
 25 this Part. Before the parole of any prisoner is ordered, ~~such~~ **the** prisoner shall appear
 26 before and be interviewed by the committee, except those incarcerated in parish
 27 prisons or parish correctional centers, in which case one committee member may
 28 conduct the interview. The committee may order a reconsideration of the case or a
 29 rehearing at any time. **The committee shall, to the extent feasible, schedule**
 30 **subsequent parole hearings in the order in which the applications are filed.**

1 (b) Notwithstanding any other provision of law to the contrary, beginning on
 2 August 1, 2024, **except as provided in Subparagraph (c) of this Paragraph**, the
 3 committee shall not consider a parole rehearing of any prisoner who is serving a
 4 sentence for any **crime of violence as defined in R.S. 14:2(B) or sex offense as**
 5 **defined in R.S. 15:541** of the following offenses until at least four **five** years after
 6 the denial of parole.;

7 **(c) Notwithstanding any other provision of law to the contrary, beginning**
 8 **on August 1, 2024, the committee shall not consider a parole rehearing of any**
 9 **prisoner who is serving a sentence for a first offense crime of violence, as**
 10 **defined in R.S. 14:2(B), that is not first degree murder, second degree murder,**
 11 **first degree rape, second degree rape, third degree rape, or crime against nature**
 12 **pursuant to R.S. 14:89(A)(2) until at least three years after the denial of parole.**

13 (i) Any crime of violence as defined in R.S. 14:2(B) or sex offense as defined
 14 in R.S. 15:541, for which the prisoner is serving a life sentence and for which the
 15 prisoner is eligible for parole pursuant to any of the provisions of R.S. 15:574.4.

16 (ii) Any crime that is both a crime of violence as defined in R.S. 14:2(B) and
 17 a sex offense as defined in R.S. 15:541, for which the prisoner is serving a fixed term
 18 of years and for which the prisoner is eligible for parole pursuant to any of the
 19 provisions of R.S. 15:574.4.

20 (iii) Manslaughter (R.S. 14:31), for which the prisoner is eligible for parole
 21 pursuant to any of the provisions of R.S. 15:574.4.

22 * * *

23 D.(1) Except as provided in Paragraph (2) or (3) of this Subsection, the
 24 release date of the prisoner shall be ~~fixed~~ **set forth** by the committee, but ~~such the~~
 25 **release** date shall ~~not be later than six months after the parole hearing or the most~~
 26 ~~recent reconsideration of the prisoner's case~~ **be subject to modification, alteration,**
 27 **or rescission for any reason deemed appropriate or necessary by the committee**
 28 **at any time prior to the prisoner's signing of the certificate of parole and actual**
 29 **release from custody onto parole supervision.**

30 * * *

1 E. Notwithstanding any other provision of law to the contrary, the
 2 committee on parole shall have the authority and sole discretion to rescind,
 3 modify, reconsider, or otherwise alter any prior decision granting parole
 4 release, for any reason deemed appropriate by the committee before an
 5 offender's actual release from custody onto parole supervision. No offender
 6 shall have or acquire any right to parole release based upon any initial decision
 7 of the committee on parole before the offender's actual release from custody
 8 onto parole supervision.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____