2024 Regular Session

ACT No. 660

HOUSE BILL NO. 723

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BY REPRESENTATIVE SCHLEGEL

2	To amend and reenact R.S. 15:572(A), 572.4(B)(1)(introductory paragraph) and (a) and (3)
3	and (C) through (E), and 572.5(B) and to enact R.S. 15:572.4(F) and (G) and
4	574.6.2, relative to clemency; to provide relative to notification procedures; to
5	provide relative to the approval or rejection of a favorable recommendation for
6	commutation or pardon; to provide relative to application procedures; to provide
7	relative to clemency hearings; to provide relative to clemency investigations; to
8	provide relative to the supervised release of certain offenders; to provide for
9	evaluations; to provide for duties of the Department of Public Safety and
10	Corrections; and to provide for related matters.
11	Be it enacted by the Legislature of Louisiana:
12	Section 1. R.S. 15:572(A), 572.4(B)(1)(introductory paragraph) and (a) and (3) and
13	(C) through (E), and 572.5(B) are hereby amended and reenacted and R.S. 15:572.4(F) and
14	(G) and 574.6.2 are hereby enacted to read as follows:
15	§572. Powers of governor to grant reprieves and pardons; automatic pardon for first
16	offender; payment of court costs required
17	A.(1) The governor may grant reprieves to persons convicted of offenses
18	against the state and, upon recommendation of the Board of Pardons as hereinafter
19	provided for by this Part, may commute sentences, pardon those convicted of
20	offenses against the state, and remit fines and forfeitures imposed for such offenses.
21	Notwithstanding any provision of law to the contrary, the governor shall not grant
22	any pardon to any person unless that person has paid all of the court costs which
23	were imposed in connection with the conviction of the crime for which the pardon
24	is to be issued.

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(2) The governor shall notify the following individuals at least thirty days

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2	before commuting a criminal sentence or granting a pardon to any person:
3	(a) The attorney general, the district attorney, the sheriff of the parish in
4	which the applicant was convicted, and, in Orleans Parish, the superintendent of
5	police.
6	(b) The victim or the spouse or next of kin of a deceased victim.
7	(3) The governor shall approve or reject a favorable recommendation for
8	commutation or pardon prior to the governor leaving office or upon expiration of the
9	governor's term.
10	* * *
1	§572.4. Board of Pardons; rules, regulations, and procedures; notice; restrictions on
12	applications; time periods for additional review
13	* * *
14	B.(1) Before considering the application for pardon or commutation of
15	sentence of any person, the board shall give written notice of the date and time at
16	which the application will be heard and considered, at least thirty ninety days prior
17	to the hearing, to the following:
18	(a) The attorney general, the district attorney, the sheriff of the parish in
19	which the applicant was convicted, and in Orleans Parish, the superintendent of
20	police.
21	* * *
22	(3) The attorney general, the district attorney, and any other persons who
23	desire to do so shall be given a reasonable opportunity to attend the meeting and be
24	heard.
25	C. Before setting a hearing on an application for pardon or commutation of
26	sentence, notice of application to the board for clemency <u>pardon</u> or commutation of
27	sentence shall be published on three separate days within a thirty-day period of time,
28	without cost to the state, in any newspaper recognized, at any time during the six-
29	month period prior to or following the publication of the first notice, as the official

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journal of the governing authority of the parish where the offense occurred for which the person was convicted.

D.(1) Notwithstanding any provisions of law to the contrary Except as provided in Paragraph (2) of this Subsection, any applicant who has been sentenced to life imprisonment shall not be eligible to apply to the board for a pardon or commutation of sentence for a period of fifteen years after being sentenced by the trial court, except that periods of time prior to the imposition of the sentence in which the defendant was in actual custody for the offense for which he was sentenced to life imprisonment shall be included in computing the fifteen-year period.

(2) Any applicant who has been sentenced to life imprisonment for an offense that is either a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 shall not be eligible to apply to the board for a pardon or commutation of sentence for a period of twenty-five years after being sentenced by the trial court, except that periods of time prior to the imposition of the sentence in which the defendant was in actual custody for the offense for which he was sentenced to life imprisonment shall be included in computing the twenty-five-year period. A person who is serving a life sentence resulting from a commutation of a sentence of death shall not thereafter be eligible to apply for commutation of sentence to a specific number of years.

(3) If the application is denied, the applicant shall be notified in writing of the reason for the denial and thereafter may file a new application to the board no earlier than five years from the date of action by the board. Any subsequent applications shall not be filed earlier than five years after the immediately preceding action taken by the board.

(4) However, the <u>The</u> provisions of this Subsection shall not apply when the board determines that new and material evidence that, notwithstanding the exercise of reasonable diligence by the applicant, was not discovered before or during his trial, is available, and if it had been introduced at the trial, it would probably have changed the verdict or judgment of guilty.

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1	E.(1) When no action is taken by the governor on a recommendation for
2	clemency pardon or commutation of sentence issued by the board, the person seeking
3	clemency pardon or commutation of sentence shall not be required to reapply to the
4	board and the recommendation shall not expire upon the governor leaving office or
5	upon the expiration of the governor's term in office and may be reviewed by the next
6	governor to take office.
7	(2) The board shall adopt rules pursuant to the Administrative Procedure Act
8	to provide for the provisions of this Subsection, but the rules shall not require the
9	person seeking clemency to reapply when no action is taken by the governor on the
10	board's recommendation that the person receive clemency.
11	F. The board shall, to the extent feasible, schedule hearings for pardon or
12	commutation of sentence in the order in which the applications are filed.
13	G. When the board notifies the governor that it has granted a favorable
14	recommendation of an application for pardon or commutation of sentence, the board
15	shall also provide simultaneous notice to the persons listed in Subsection B of this
16	Section that this favorable recommendation has been sent to the governor for his
17	approval.
18	§572.5. Information to be provided to Board of Pardons
19	* * *
20	B. The Department of Public Safety and Corrections may charge a fee not
21	to exceed one two hundred fifty dollars for conducting the elemency investigation
22	provided for in this Section.
23	* * *
24	§574.6.2. Supervised release; commuted sentences
25	A.(1) Any offender who has received a commuted sentence and who is
26	released on parole or because of diminution of sentence shall be evaluated through
27	a validated risk assessment instrument approved by the secretary of the Department
28	of Public Safety and Corrections and shall have an approved residence plan prior to
29	release.

HB NO. 723 **ENROLLED** (2) In approving the residence plan of the offender, the department shall consider the likelihood that the offender will be able to comply with all of the conditions of his parole. B. The committee on parole may impose any special conditions of supervision which may include participation in additional programming by the offender as determined to be necessary by the validated risk-assessment instrument. C. The department shall secure all relevant data and assist the offender in formulating a release plan that includes any necessary conditions as determined by the department. D. Any offender who has received a commuted sentence and who is released shall be placed on supervised release for the remainder of his sentence. E. Notwithstanding any other provision of law to the contrary, any person who was placed upon supervised release pursuant to the provisions of this Section may petition the parole board for a termination of the supervision. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE

APPROVED:

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GOVERNOR OF THE STATE OF LOUISIANA