

RÉSUMÉ DIGEST

ACT 660 (HB 723)

2024 Regular Session

Schlegel

Existing law (R.S. 15:572) provides for the powers of the governor to grant reprieves and pardons.

New law retains existing law.

New law provides that the governor shall notify the following individuals at least 30 days before commuting a criminal sentence or granting a pardon to any person:

- (1) The attorney general, the district attorney, the sheriff of the parish in which the applicant was convicted, and, in Orleans Parish, the superintendent of police.
- (2) The victim or the spouse or next of kin of a deceased victim.

New law provides that the governor shall approve or reject a favorable recommendation for commutation or pardon prior to the governor leaving office or upon expiration of the governor's term.

Existing law (R.S. 15:572.4) provides for the rules, regulations, and procedures relative to the Board of Pardons.

Prior law provided that before considering the application for pardon of any person, the board was required to give written notice of the date and time at which the application was to be heard and considered, at least 30 days prior to the hearing, to the following:

- (1) The district attorney, the sheriff of the parish in which the applicant was convicted, and in Orleans Parish, the superintendent of police.
- (2) The applicant.
- (3) The victim or the spouse or next of kin of a deceased victim.
- (4) Any other interested person on whose behalf a written request for such notification had been made by any other person who had a right, under law, to present testimony.

New law clarifies that notice shall be provided before considering the application for pardon or commutation of sentence for a person. Further adds the attorney general as a party to be notified.

Existing law provides that before setting a hearing on an application for pardon or commutation of sentence, notice of application to the board for clemency or commutation of sentence shall be published on three separate days within a 30-day period of time, without cost to the state, in any newspaper recognized, at any time during the six-month period prior to or following the publication of the first notice, as the official journal of the governing authority of the parish where the offense occurred for which the person was convicted.

New law changes the term "clemency" to "pardon".

Existing law provides that 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 15 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 15-year period.

New law retains existing law.

New law provides that any applicant who has been sentenced to life imprisonment for an offense that is either a crime of violence as defined in existing law (R.S. 14:2(B)) or a sex

offense as defined in existing law (R.S. 15:541) shall not be eligible to apply to the board for a pardon or commutation of sentence for a period of 25 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 25-year period.

New law further provides that 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.

Prior law provided that when no action was taken by the governor on a recommendation for clemency issued by the board, the person who sought clemency was not required to reapply to the board and the recommendation did not expire upon the expiration of the governor's term in office and could be reviewed by the next governor to take office.

New law provides that when no action is taken by the governor for pardon or commutation of sentence issued by the board, the person seeking pardon or commutation of sentence shall be required to reapply to the board and the recommendation shall expire upon the governor leaving office or upon the expiration of the governor's term.

Existing law provides that the board shall adopt rules pursuant to the Administrative Procedure Act to provide for the provisions of existing law, but prior law provided that the rules did not require the person who sought clemency to reapply when no action was taken by the governor on the board's recommendation that the person receive clemency.

New law retains existing law relative to the adoption of rules, but removes the provision of prior law that prohibited the rules from requiring the person seeking clemency to reapply when no action was taken by the governor on the board's recommendation that the person receive clemency.

New law provides that the board shall, to the extent feasible, schedule hearings for pardon or commutation of sentence in the order in which the applications are filed.

New law provides that when the board notifies the governor that it has granted a favorable recommendation of an application for pardon or commutation of sentence, the board shall also provide simultaneous notice to the persons listed in existing law that this favorable recommendation has been sent to the governor for his approval.

Existing law (R.S. 15:572.5) provides for information to be provided to the Board of Pardons.

New law retains existing law.

Prior law authorized the Dept. of Public Safety and Corrections to charge a fee not to exceed \$150 for the clemency investigation provided in existing law.

New law changes this amount from \$150 to \$200.

New law (R.S. 15:574.6.2) provides that any offender who has received a commuted sentence and who is released on parole or because of diminution of sentence shall be evaluated through a validated risk assessment instrument approved by the secretary of the department and shall have an approved residence plan prior to release.

New law provides that 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.

New law provides that 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.

New law provides that 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.

New law provides that any offender who has received a commuted sentence and who is released shall be placed on supervised release for the remainder of his sentence.

New law provides that any person who was placed on supervised release pursuant to the provisions of new law may petition the parole board for a termination of the supervision.

Effective August 1, 2024.

(Amends R.S. 15:572(A), 572.4(B)(1)(intro. para.) and (a) and (3) and (C)-(E), and 572.5(B); Adds R.S. 15:572.4(F) and (G) and 574.6.2)