

RÉSUMÉ DIGEST

ACT 7 (HB 10)

2024 Second Extraordinary Session

Villio

Existing law (R.S. 15:571.3) provides relative to the requirements that an offender needs to meet in order to be eligible for diminution of sentence for good behavior.

New law (R.S. 15:571.3(G)) provides that no person who commits an offense on or after Aug. 1, 2024, shall be eligible to earn nor be entitled to any diminution of sentence or good time, except as provided in new law (R.S. 15:571.3.1).

New law (R.S. 15:571.3.1) provides that no person who commits an offense on or after Aug. 1, 2024, shall be eligible to earn nor be entitled to any diminution of sentence, known as "good time", except as provided in new law.

New law provides that every offender in a parish prison or in custody of the Dept. of Public Safety and Corrections (DPS&C), who has been convicted of a felony and sentenced to imprisonment with or without hard labor, may earn diminution of sentence for good behavior up to a maximum amount of 15% of the particular sentence imposed.

New law shall not apply to any person who has been convicted of a sex offense as defined in existing law (R.S. 15:541) or to any person who has been sentenced as an habitual offender under the Habitual Offender Law as set forth in existing law (R.S. 15:529.1).

New law provides that every offender in a parish prison or in custody of the DPS&C, who has been convicted of a felony and sentenced to imprisonment with or without hard labor, may earn an additional diminution of sentence as provided in existing law (R.S. 15:828).

New law shall not apply to any person who has been convicted of a sex offense as defined in existing law (R.S. 15:541).

New law provides that there shall be no diminution of sentence or good time credit earned or eligible to be earned on time served pursuant to existing law (C.Cr.P. Art. 880).

New law provides that any diminution of sentence or good time earned under new law shall be subject to forfeiture as provided in existing law (R.S. 15:571.4).

New law provides that any offender released because of diminution of sentence earned pursuant to new law shall be released subject to the provisions of existing law (R.S. 15:571.5). Further provides that the remainder of the original full term of sentence shall be served as if on unsupervised parole for any offender released pursuant to new law unless his parole is revoked as provided in existing law (R.S. 15:571.5(C)).

New law provides that the secretary of the DPS&C shall have sole power and authority to determine when good time has been earned and when diminution of sentence may be allowed in accordance with the provisions of new law.

New law provides that the secretary of the DPS&C shall promulgate rules and regulations to govern the adoption of the provisions of new law as it relates to the earning of diminution of sentence, the method and specifics for earning good time, and further defining the terms utilized in new law. Further provides that the rules shall be adopted in accordance with the Administrative Procedure Act.

Prior law (R.S. 15:571.5(C)) provided that, relative to a person's release on parole because of diminution of sentence, if such person's parole was revoked by the parole committee for violation of the terms of parole, the person was required to be recommitted to the DPS&C for the remainder of the original full term, subject to credit for time served for good behavior while on parole.

New law provides that a person who is recommitted to DPS&C after revocation of parole earned for diminution of sentence is not subject to credit for time served for good behavior while on parole.

Prior law (R.S. 15:571.3(C)) prohibited the diminution of sentence for an inmate in the custody of the DPS&C if any of the following applied:

- (1) The inmate was sentenced as an habitual offender under the Habitual Offender Law as set forth in existing law (R.S. 15:529.1).
- (2) The trial court, in its discretion, prohibited the earning of such diminution of sentence for any person convicted of a violation of existing law (R.S. 14:40.2).

New law repeals prior law.

Prior law (R.S. 15:571.3(D)) prohibited the diminution of sentence for any of the following:

- (1) An offender in a parish prison or in the custody of the DPS&C if the instant offense was a second offense crime of violence as defined by existing law (R.S. 14:2(B)).
- (2) An offender in a parish prison or in the custody of the DPS&C if the instant offense was a sex offense as defined by existing law (R.S. 15:541).

New law repeals prior law.

Prior law (R.S. 15:574.6.1) authorized an offender to earn compliance credits through good behavior while on parole.

New law repeals prior law.

Prior law (C.Cr.P. Art. 895.6) authorized an offender to earn compliance credits through good behavior while on probation.

New law repeals prior law.

Effective April 29, 2024.

(Amends R.S. 15:571.5(C); Adds R.S. 15:571.3(G) and 571.3.1; Repeals R.S. 15:571.3(C) and (D) and 574.6.1 and C.Cr.P. Art. 895.6)