

Regular Session, 2014

SENATE BILL NO. 205

BY SENATOR GUILLORY

PROBATION/PAROLE. Provides for medical parole for offenders upon the referral of the Department of Public Safety and Corrections. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 15:574.4(B)(1) and 15:574.20(A), to enact R.S. 15:574.4.6,  
3 relative to parole eligibility; to provide for the transitional parole supervision  
4 program; to provide for the medical parole program; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:574.4(B)(1) and 15:574.20(A) are hereby amended and reenacted  
8 and R.S. 15:574.4.6 is hereby enacted to read as follows:

9 §574.4. Parole; eligibility

10 \* \* \*

11 B.(1)(a) No person shall be eligible for parole consideration who has been  
12 convicted of armed robbery and denied parole eligibility under the provisions of R.S.  
13 14:64. Except as provided in Paragraph (2) of this Subsection, ~~and except as~~  
14 ~~provided in~~ Subsections D and E of this Section, **and R.S. 15:574.4.6**, no prisoner  
15 serving a life sentence shall be eligible for parole consideration until his life sentence  
16 has been commuted to a fixed term of years. No prisoner sentenced as a serial sexual  
17 offender shall be eligible for parole. No prisoner may be paroled while there is

1 pending against him any indictment or information for any crime suspected of having  
2 been committed by him while a prisoner. Notwithstanding any other provisions of  
3 law to the contrary, a person convicted of a **first time** crime of violence and not  
4 otherwise ineligible for parole shall serve at least ~~eighty-five~~ **sixty-five** percent of  
5 the sentence imposed, before being eligible for parole **and a person convicted of a**  
6 **second time crime of violence and not otherwise ineligible for parole shall serve**  
7 **at least seventy-five percent of the sentence imposed, before being eligible for**  
8 **parole, provided these persons meet the criteria set forth in subparagraph (b)**  
9 **of this Paragraph.** The victim or victim's family shall be notified whenever the  
10 offender is to be released provided that the victim or victim's family has completed  
11 a Louisiana victim notice and registration form as provided in R.S. 46:1841 et seq.,  
12 or has otherwise provided contact information and has indicated to the Department  
13 of Public Safety and Corrections, Crime Victims Services Bureau, that they desire  
14 such notification.

15 **(b) A person convicted of a first or second crime of violence shall be**  
16 **eligible for parole in accordance with subparagraph (a) of this paragraph**  
17 **provided that the following conditions are met:**

18 **(i) The offender has not committed any disciplinary offenses in twelve**  
19 **consecutive months prior to the parole eligibility date.**

20 **(ii) The offender has completed the mandatory minimum of one hundred**  
21 **hours of pre-release programming in accordance with the provisions of R.S.**  
22 **15:827.1 if such programming is available at the facility where the offender is**  
23 **incarcerated.**

24 **(iii) The offender has completed substance abuse treatment as applicable.**

25 **(iv) The offender has obtained a GED credential, unless the offender has**  
26 **previously obtained a high school diploma or is deemed by a certified educator**  
27 **as being incapable of obtaining a GED credential due to a learning disability.**  
28 **If the offender is deemed incapable of obtaining a GED credential, the offender**  
29 **shall complete at least one of the following: a literacy program, an adult basic**

1 education program, or a job-skills training program.

2 (v) The offender has obtained a low-risk level designation determined by  
3 a validated risk assessment instrument approved by the secretary of the  
4 Department of Public Safety and Corrections.

5 \* \* \*

6 § 574.4.6. Parole; transitional parole supervision program; eligibility

7 A. A transitional parole supervision program shall be established and  
8 administered by the Department of Public Safety and Corrections and the  
9 committee on parole.

10 B. Notwithstanding any provision of law to the contrary, except a person  
11 sentenced as a serial sexual offender as defined by R.S. 15:536, unless eligible  
12 for parole at an earlier date, any person serving a sentence who has been  
13 convicted of an offense defined by R.S. 14:2(B) shall be eligible for transitional  
14 parole consideration pursuant to upon serving twenty-five years in actual  
15 custody and reaching the age of forty-five if all of the following conditions are  
16 met:

17 (1) The offender has not committed any disciplinary offenses in twelve  
18 consecutive months prior to the transitional parole eligibility date.

19 (2) The offender has completed the mandatory minimum of one hundred  
20 hours of pre-release programming in accordance with the provisions of R.S.  
21 15:827.1 if such programming is available at the facility where the offender is  
22 incarcerated.

23 (3) The offender has completed substance abuse treatment as applicable.

24 (4) The offender has completed sex offender treatment as applicable.

25 (5) The offender has obtained a GED credential, unless the offender has  
26 previously obtained a high school diploma or is deemed by a certified educator  
27 as being incapable of obtaining a GED credential due to a learning disability.

28 If the offender is deemed incapable of obtaining a GED credential, the offender  
29 shall complete at least one of the following: a literacy program, an adult basic

1           education program, or a job-skills training program.

2           (6) The offender has obtained a low-risk level designation determined by  
3           a validated risk assessment instrument approved by the secretary of the  
4           Department of Public Safety and Corrections.

5           (7) The offender agrees to electronic monitoring for the duration of his  
6           time in the transitional parole program or parole term or until such time the  
7           Office of Probation and Parole deems it proper that the offender be removed  
8           from electronic monitoring. The costs of electronic monitoring shall be paid by  
9           the offender.

10          (8) The offender has displayed significant participation in the certified  
11          treatment and rehabilitation programs available at the institution where he is  
12          housed.

13          (C) When an offender becomes eligible for transitional parole, the  
14          committee on parole shall conduct a hearing in the same manner as a regular  
15          parole hearing. Upon a unanimous recommendation by the committee, it shall  
16          be ordered that the offender be placed in a work release facility, half-way house,  
17          or other transitional housing or facility as appropriate for that particular  
18          offender's case, for a period not to exceed three years. The committee shall  
19          place any additional conditions upon the offender as deemed necessary during  
20          the transitional parole period. An offender may be revoked from the  
21          transitional parole program in the same manner as regular parole as provided  
22          in R.S. 15:574.9.

23          (D) After the offender has completed the time in the transitional parole  
24          facility or housing, he shall reappear before the committee. If it is determined  
25          by a majority of the committee that the offender has conducted himself in a  
26          manner satisfactorily to the committee and has substantially complied with the  
27          conditions set forth for his transition period, the committee shall order that the  
28          offender be placed on parole supervision. If it is determined that the offender  
29          has not conducted himself in a manner satisfactorily to the committee and has

1 not substantially complied with the conditions set forth for his transition period,  
2 the committee shall order the offender remanded to the Department of  
3 Corrections to serve the remainder of his sentence. The board shall render  
4 specific findings of fact in support of its decision.

5 E. When the offender is released to parole supervision by the committee,  
6 the committee shall require the offender to comply with the following conditions  
7 of parole supervision in addition to any other conditions of parole ordered by  
8 the committee:

9 (1) Be subject to multiple monthly visits with his supervising officers  
10 without prior notice.

11 (2) Abide by any curfew set by his supervising officers.

12 (3) Perform at least five hundred hours of unpaid community service  
13 work during the period of parole supervision.

14 (4) Refrain from using or possessing any controlled dangerous substance  
15 or alcoholic beverage and submit, at his own expense, to screening, evaluation,  
16 and treatment for controlled dangerous substance or alcohol abuse as directed  
17 by his supervising officers.

18 (5) Remain on electronic monitoring for the duration of his parole term  
19 or until such time the Office of Probation and Parole deems it proper that the  
20 offender be removed from electronic monitoring. The costs of electronic  
21 monitoring shall be paid by the offender.

22 \* \* \*

23 §574.20. Medical parole program; eligibility; revocation

24 A.(1) Notwithstanding the provisions of this Part or any other law to the  
25 contrary, any person sentenced to the custody of the Department of Public Safety and  
26 Corrections may, upon referral by the department, be considered for medical parole  
27 by the committee of parole. Medical parole consideration shall be in addition to any  
28 other parole for which an inmate may be eligible, but shall not be available to any  
29 inmate who is awaiting execution or who has a contagious disease. A person

1           **seeking medical parole shall apply to the Board of Parole, and the Board shall**  
 2           **verify with the Department if the applicant qualifies under Subsection B of this**  
 3           **Section.**

4                         ~~(2) Medical parole shall not be available to any inmate serving time for the~~  
 5           ~~violation of R.S. 14:30, first degree murder; or R.S. 14:30.1, second degree murder.~~

6   \*       \*       \*

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

DIGEST

Guillory (SB 205)

Present law provides that a person convicted of a crime of violence and not otherwise ineligible for parole must serve at least 85% of the sentence imposed, before being eligible for parole.

Proposed law changes present law so that a person convicted of a first time crime of violence and not otherwise ineligible for parole shall serve at least 65% of the sentence imposed, before being eligible for parole and a person convicted of a second time crime of violence and not otherwise ineligible for parole will serve at least 75% percent of the sentence imposed, before being eligible for parole, provided these persons meet the criteria set forth in proposed law.

Proposed law provides that a person convicted of a first or second crime of violence will be eligible for parole in accordance with present law provided that the following conditions are met:

- (1) The offender has not committed any disciplinary offenses in 12 consecutive months prior to the parole eligibility date.
- (2) The offender has completed the mandatory minimum of one hundred hours of pre-release programming in accordance with the provisions of present law if such programming is available at the facility where the offender is incarcerated.
- (3) The offender has completed substance abuse treatment as applicable.
- (4) The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. If the offender is deemed incapable of obtaining a GED credential, the offender will complete one of the alternative programs outlined in proposed law.
- (5) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.

Proposed law provides that the transitional parole supervision program will be established and administered by the Department of Public Safety and Corrections and the committee on parole.

Proposed law provides that, except a person sentenced as a serial sexual offender as defined

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

by present law, unless eligible for parole at an earlier date, any person serving a sentence who has been convicted of an offense defined by present law will be eligible for transitional parole consideration pursuant to upon serving 25 years in actual custody and reaching the age of 45 if all of the following conditions are met:

- (1) The offender has not committed any disciplinary offenses in 12 consecutive months prior to the transitional parole eligibility date.
- (2) The offender has completed the mandatory minimum of 100 hours of pre-release programming in accordance with the provisions of present law if such programming is available at the facility where the offender is incarcerated.
- (3) The offender has completed substance abuse treatment as applicable.
- (4) The offender has completed sex offender treatment as applicable.
- (5) The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. If the offender is deemed incapable of obtaining a GED credential, the offender will complete one of the alternative programs outlined in proposed law.
- (6) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.
- (7) The offender agrees to electronic monitoring for the duration of his time in the transitional parole program or parole term or until such time the Office of Probation and Parole deems it proper that the offender be removed from electronic monitoring. The costs of electronic monitoring will be paid by the offender.
- (8) The offender has displayed significant participation in the certified treatment and rehabilitation programs available at the institution where he is housed.

Proposed law provides that when an offender becomes eligible for transitional parole, the committee on parole will conduct a hearing in the same manner as a regular parole hearing. Upon a unanimous recommendation by the committee, it will be ordered that the offender be placed in a work release facility, half-way house, or other transitional housing or facility as appropriate for that particular offender's case, for a period not to exceed three years. The committee will place any additional conditions upon the offender as deemed necessary during the transitional parole period. An offender may be revoked from the transitional parole program in the same manner as regular parole.

Proposed law provides that after the offender has completed the time in the transitional parole facility or housing, he will reappear before the committee. If it is determined by a majority of the committee that the offender has conducted himself in a manner satisfactorily to the committee and has substantially complied with the conditions set forth for his transition period, the committee will order that the offender be placed on parole supervision. If it is determined that the offender has not conducted himself in a manner satisfactorily to the committee and has not substantially complied with the conditions set forth for his transition period, the committee will order the offender remanded to the Department of Corrections to serve the remainder of his sentence. The board will render specific findings of fact in support of its decision.

Proposed law provides that when the offender is released to parole supervision by the committee, the committee will require the offender to comply with the following conditions of parole supervision in addition to any other conditions of parole ordered by the committee:

- (1) Be subject to multiple monthly visits with his supervising officers without prior notice.
- (2) Abide by any curfew set by his supervising officers.
- (3) Perform at least 500 hours of unpaid community service work during the period of parole supervision.
- (4) Refrain from using or possessing any controlled dangerous substance or alcoholic beverage and submit, at his own expense, to screening, evaluation, and treatment for controlled dangerous substance or alcohol abuse as directed by his supervising officers.
- (5) Remain on electronic monitoring for the duration of his parole term or until such time the Office of Probation and Parole deems it proper that the offender be removed from electronic monitoring. The costs of electronic monitoring will be paid by the offender.

Present law provides that any person sentenced to the custody of the Department of Public Safety and Corrections may, upon referral by the department, be considered for medical parole by the committee of parole. Medical parole consideration will be in addition to any other parole for which an inmate may be eligible, but will not be available to any inmate who is awaiting execution or who has a contagious disease.

Proposed law removes requirement that a person eligible for medical parole be referred by the Department of Public Safety and Corrections and allows that person to apply to the Board of Parole directly, and the Board will verify with the Department if the applicant qualifies under the provisions of proposed law.

Present law provides that a medical parole will not be available to any inmate serving time for the violation of first degree murder; or second degree murder.

Proposed law deletes present law.

Effective August 1, 2014.

(Amends R.S. 15:574.4(B)(1) and 574.20(A); adds R.S. 15:574.4.6)