

SENATE BILL NO. 399

BY SENATORS MILLS AND MURRAY

1 AN ACT

2 To amend and reenact R.S. 15:574.4(A)(4)(b), (B)(2)(a)(iii), (iv) and (v), (B)(2)(b)(iii), (iv)
3 and (v), (B)(2)(c)(iii), (iv) and (v), (B)(2)(d)(iii),(iv) and (v), (D)(1)(b), and
4 (E)(1)(b), relative to parole eligibility; to require that disqualification for a
5 disciplinary offense be a major offense; to provide for definitions; to change time
6 frame for consideration of disciplinary offenses; to limit required services to those
7 available at facility where offender is incarcerated; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:574.4(A)(4)(b), (B)(2)(a)(iii), (iv) and (v), (B)(2)(b)(iii), (iv) and
10 (v), (B)(2)(c)(iii), (iv) and (v), (B)(2)(d)(iii),(iv) and (v), (D)(1)(b), and (E)(1)(b) are hereby
11 amended and reenacted to read as follows:

12 §574.4. Parole; eligibility

13 A.(1) * * *

14 * * *

15 (4) Notwithstanding any other provision of law to the contrary, unless eligible
16 for parole at an earlier date, a person committed to the Department of Public Safety
17 and Corrections for a term or terms of imprisonment with or without benefit of
18 parole who has served at least ten years of the term or terms of imprisonment in
19 actual custody shall be eligible for parole consideration upon reaching the age of
20 sixty years if all of the following conditions are met:

21 * * *

22 (b) The offender has not committed any **major** disciplinary offenses in
23 twelve consecutive months prior to the parole ~~eligibility~~ **hearing** date. **A major**
24 **disciplinary offense is an offense identified as a Schedule B offense by the**
25 **Department of Public Safety and Corrections in the Disciplinary Rules and**
26 **Procedures for Adult Offenders.**

27 * * *

1 B.(1) * * *

2 * * *

3 (2) Notwithstanding any provision of law to the contrary, any person serving
4 a life sentence, with or without the benefit of parole, who has not been convicted of
5 a crime of violence as defined by R.S. 14:2(B), a sex offense as defined by R.S.
6 15:541, or an offense, regardless of the date of conviction, which would constitute
7 a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S.
8 15:541, shall be eligible for parole consideration as follows:

9 (a) If the person was at least eighteen years of age and under the age of
10 twenty-five years at the time he was sentenced to life imprisonment, he shall be
11 eligible for parole consideration if all of the following conditions have been met:

12 * * *

13 (iii) The person has not committed any **major** disciplinary offenses in the
14 twelve consecutive months prior to the parole ~~eligibility~~ **hearing** date. **A major**
15 **disciplinary offense is an offense identified as a Schedule B offense by the**
16 **Department of Public Safety and Corrections in the Disciplinary Rules and**
17 **Procedures for Adult Offenders.**

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

21 (v) The person has completed substance abuse treatment, if applicable and
22 such treatment is available **at the facility where the offender is incarcerated.**

23 * * *

24 (b) If the person was at least twenty-five years of age and under the age of
25 thirty-five years at the time he was sentenced to life imprisonment, he shall be
26 eligible for parole consideration if all of the following conditions have been met:

27 * * *

28 (iii) The person has not committed any **major** disciplinary offenses in the
29 twelve consecutive months prior to the parole ~~eligibility~~ **hearing** date. **A major**
30 **disciplinary offense is an offense identified as a Schedule B offense by the**

1 Department of Public Safety and Corrections in the Disciplinary Rules and
2 Procedures for Adult Offenders.

3 (iv) The person has completed the mandatory minimum of one hundred hours
4 of pre-release programming in accordance with the provisions of R.S. 15:827.1, if
5 such programming is available at the facility where the offender is incarcerated.

6 (v) The person has completed substance abuse treatment, if applicable and
7 such treatment is available at the facility where the offender is incarcerated.

8 * * *

9 (c) If the person was at least thirty-five years of age and under the age of fifty
10 years at the time he was sentenced to life imprisonment, he shall be eligible for
11 parole consideration if all of the following conditions have been met:

12 * * *

13 (iii) The person has not committed any **major** disciplinary offenses in the
14 twelve consecutive months prior to the parole eligibility **hearing** date. **A major**
15 **disciplinary offense is an offense identified as a Schedule B offense by the**
16 **Department of Public Safety and Corrections in the Disciplinary Rules and**
17 **Procedures for Adult Offenders.**

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

21 (v) The person has completed substance abuse treatment, if applicable and
22 such treatment is available at the facility where the offender is incarcerated.

23 * * *

24 (d) If the person was at least fifty years of age at the time he was sentenced
25 to life imprisonment, he shall be eligible for parole consideration if all of the
26 following conditions have been met:

27 * * *

28 (iii) The person has not committed any **major** disciplinary offenses in the
29 twelve consecutive months prior to the parole eligibility **hearing** date. **A major**
30 **disciplinary offense is an offense identified as a Schedule B offense by the**

1 Department of Public Safety and Corrections in the Disciplinary Rules and
2 Procedures for Adult Offenders.

3 (iv) The person has completed the mandatory minimum of one hundred hours
4 of pre-release programming in accordance with the provisions of R.S. 15:827.1, if
5 such programming is available at the facility where the offender is incarcerated.

6 (v) The person has completed substance abuse treatment if applicable and
7 such treatment is available at the facility where the offender is incarcerated.

8 * * *

9 D.(1) Notwithstanding any provision of law to the contrary, any person
10 serving a sentence of life imprisonment who was under the age of eighteen years at
11 the time of the commission of the offense, except for a person serving a life sentence
12 for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S.
13 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this
14 Subsection if all of the following conditions have been met:

15 * * *

16 (b) The offender has not committed any **major** disciplinary offenses in the
17 twelve consecutive months prior to the parole eligibility **hearing** date. **A major**
18 **disciplinary offense is an offense identified as a Schedule B offense by the**
19 **Department of Public Safety and Corrections in the Disciplinary Rules and**
20 **Procedures for Adult Offenders.**

21 * * *

22 E.(1) Notwithstanding any provision of law to the contrary, any person
23 serving a sentence of life imprisonment for a conviction of first degree murder (R.S.
24 14:30) or second degree murder (R.S. 14:30.1) who was under the age of eighteen
25 years at the time of the commission of the offense shall be eligible for parole
26 consideration pursuant to the provisions of this Subsection if a judicial determination
27 has been made that the person is entitled to parole eligibility pursuant to Code of
28 Criminal Procedure Article 878.1 and all of the following conditions have been met:

29 * * *

30 (b) The offender has not committed any **major** disciplinary offenses in the

1 twelve consecutive months prior to the parole eligibility ~~hearing~~ date. **A major**
 2 **disciplinary offense is an offense identified as a Schedule B offense by the**
 3 **Department of Public Safety and Corrections in the Disciplinary Rules and**
 4 **Procedures for Adult Offenders.**

5 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____