

2016 Regular Session

HOUSE BILL NO. 440

BY REPRESENTATIVE JACKSON

CRIMINAL/SENTENCING: Provides relative to parole for persons convicted of crimes of violence and provides for the creation and administration of the Programs to Reduce Recidivism Fund

1 AN ACT

2 To amend and reenact R.S. 15:574.2(C)(2)(a) and 574.4(B)(1), to enact R.S. 15:824.2, and
3 to repeal R.S. 15:827.1(E)(3)(b), relative to parole; to provide relative to parole
4 eligibility for persons convicted of crimes of violence; to change the number of votes
5 required to grant parole for offenders convicted of a crime of violence who meet
6 certain conditions; to provide relative to the eligibility to participate in reentry
7 preparation programs; to create the Programs to Reduce Recidivism Fund; to provide
8 for the purposes of the fund; to provide for the appropriation of monies into the fund;
9 to provide for the administration of the fund; to provide for the distribution of
10 monies from the fund; to provide relative to the calculation of savings realized by the
11 Department of Public Safety and Corrections; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 15:574.2(C)(2)(a) and 574.4(B)(1) are hereby amended and
14 reenacted to read as follows:

15 §574.2. Committee on parole, Board of Pardons; membership; qualifications;
16 vacancies; compensation; domicile; venue; meetings; quorum; panels;
17 powers and duties; transfer of property to committee; representation of
18 applicants before the committee; prohibitions

19 * * *

20 C.

21 * * *

1 Section 2. R.S. 15:824.2 is hereby enacted to read as follows:

2 §824.2. Programs to Reduce Recidivism Fund

3 A. The Programs to Reduce Recidivism Fund, hereinafter referred to as the
4 "fund", is hereby created in the state treasury. Interest earned on the investment of
5 monies in the fund shall be deposited in and credited to the fund. Unexpended and
6 unencumbered monies in the fund at the close of each fiscal year shall remain in the
7 fund. Monies in the fund shall be appropriated, administered, and used solely and
8 exclusively for the purposes provided by this Section.

9 B. The fund shall be comprised of all monies appropriated, donated, or
10 otherwise made available to provide funding for the purposes set forth in the
11 provisions of this Section. Any funds realized from a reduction in the amount of
12 time a person convicted of a crime of violence is required to serve prior to being
13 eligible for parole consideration as provided for in R.S. 15:574.4(B) shall also be
14 appropriated to the fund. All of such monies required to be deposited in the state
15 treasury in accordance with Article VII, Section 9(A) of the Constitution of
16 Louisiana shall be deposited in the fund after first meeting the requirements of
17 Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond
18 Security and Redemption Fund.

19 C. Monies in the fund shall be appropriated and used for the following
20 purposes:

21 (1) To defray the operational expenses of probation and parole and reentry
22 initiatives.

23 (2) To assist in establishing and reimbursing the operational expenses of
24 local corrections rehabilitative programs that do the following:

25 (a) Provide inmates housed in local facilities with fundamental resources in
26 the areas of employment, life skills training, and job placement.

27 (b) Provide the inmates with access to as many support services as possible
28 to appreciably increase the likelihood of successful reentry into society and to reduce
29 recidivism.

1 D. The fund shall be administered by the Louisiana Commission on Law
2 Enforcement and the Administration of Criminal Justice and the Department of
3 Public Safety and Corrections, hereinafter referred to as "the administrators".
4 Monies in the fund shall be distributed to probation and parole, reentry initiatives,
5 and local prison facilities through a grant program established by the administrators.
6 The administrators shall allocate funds as necessary for the purposes provided in
7 Subsection C of this Section. The administrators shall promulgate such rules,
8 regulations, and procedures as are necessary in administering the provisions of this
9 Section.

10 Section 3. R.S. 15:827.1(E)(3)(b) is hereby repealed in its entirety.

11 Section 4. The provisions of Sections 1 and 3 of this Act shall have prospective
12 application only and shall apply only to persons convicted on or after the effective date of
13 this Act.

14 Section 5. The Department of Public Safety and Corrections shall measure and
15 document cost savings from the implementation of this Act. The Department of Public
16 Safety and Corrections shall establish a baseline for measurement using the average number
17 of inmates incarcerated at each type of penal or correctional institution as defined in R.S.
18 15:824 and at local parish jails or institutions in Fiscal Year 2015-2016. The Department
19 of Public Safety and Corrections shall provide information regarding the estimated savings
20 to the legislature. The Louisiana Legislature shall appropriate the savings realized by the
21 provisions of this Act to be deposited in the fund created by, and for the purposes set forth
22 in, R.S. 15:824.2 enacted in Section 2 of this Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 440 Engrossed

2016 Regular Session

Jackson

Abstract: Provides relative to parole for persons convicted of crimes of violence, creates the Programs to Reduce Recidivism Fund, and provides for the administration of, distribution from, and appropriation of monies into the fund.

Present law provides for parole eligibility for offenders convicted of a crime of violence upon serving 85% of the sentence imposed.

Proposed law amends present law to provide parole eligibility for these offenders upon serving 75% of the sentence imposed. Provides for prospective application of this provision of proposed law apply only to those persons convicted on or after the effective date of proposed law.

Present law provides that a unanimous vote of the committee on parole is required to grant parole for any person convicted of a crime of violence.

Present law provides that the committee on parole may grant parole with a majority vote for non-violent, non-sex offenders when certain conditions are met.

Proposed law amends present law to authorize the granting of parole by majority vote for a person convicted of a crime of violence when the conditions set forth in present law are met, including completion of at least 100 hours of a reentry preparation program as provided by present law.

Proposed law repeals the provision of present law which prohibits persons convicted of a crime of violence from being eligible to participate in the reentry preparation program and thus making such persons eligible for the granting of parole by majority vote.

Proposed law provides that these proposed law provisions regarding the majority vote and eligibility to participate in reentry preparation programs for persons convicted of a crime of violence are prospective and are only applicable to persons convicted on or after the effective date of proposed law.

Proposed law creates the Programs to Reduce Recidivism Fund which shall be administered by the La. Commission on Law Enforcement and the Administration of Criminal Justice and the Dept. of Public Safety and Corrections for the following purposes:

- (1) To defray the operational expenses of probation and parole and reentry initiatives.
- (2) To assist in establishing and reimbursing the operational expenses of local corrections rehabilitative programs.

Provides that any savings realized from the proposed law reduction in the amount of time a person convicted of a crime of violence is required to serve prior to being eligible for parole consideration shall be appropriated into the fund.

(Amends R.S. 15:574.2(C)(2)(a) and 574.4(B)(1); Adds R.S. 15:824.2; Repeals R.S. 15:827.1(E)(3)(b))