

2016 Regular Session

HOUSE BILL NO. 264

BY REPRESENTATIVE MACK

JUVENILES/DELINQUENTS: Provides with respect to sentencing of juvenile offenders sentenced to life imprisonment for certain offenses

1 AN ACT

2 To enact R.S. 15:574.4(F), relative to juvenile parole eligibility; to provide for parole
3 eligibility for juveniles sentenced to life imprisonment without the possibility of
4 parole for certain homicide offenses; to provide for conditions; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:574.4(F) is hereby enacted to read as follows:

8 §574.4. Parole; eligibility

9 * * *

10 F.(1) Notwithstanding any provision of law to the contrary, any person
11 serving a sentence of life imprisonment for a conviction of first degree murder (R.S.
12 14:30) or second degree murder (R.S. 14:30.1) who was under the age of eighteen
13 years at the time of the commission of the offense and whose conviction became
14 final prior to June 25, 2012, shall be eligible for parole consideration pursuant to the
15 provisions of this Subsection if all of the following conditions have been met:

16 (a) The offender has served thirty-five years of the sentence imposed.

17 (b) The offender has not committed any major disciplinary offenses in the
18 twelve consecutive months prior to the parole hearing date. For purposes of this

1 Subsection, a major disciplinary offense is an offense identified as a Schedule B
2 offense by the Department of Public Safety and Corrections in the Disciplinary Rules
3 and Procedures for Adult Offenders.

4 (c) The offender has completed the mandatory minimum of one hundred
5 hours of prerelease programming in accordance with the provisions of R.S. 15:827.1.

6 (d) The offender has completed substance abuse treatment as applicable.

7 (e) The offender has obtained a GED certification, unless the offender has
8 previously obtained a high school diploma or is deemed by a certified educator as
9 being incapable of obtaining a GED certification due to a learning disability. If the
10 offender is deemed incapable of obtaining a GED certification, the offender shall
11 complete at least one of the following:

12 (i) A literacy program.

13 (ii) An adult basic education program.

14 (iii) A job skills training program.

15 (f) The offender has obtained a low-risk level designation determined by a
16 validated risk assessment instrument approved by the secretary of the Department
17 of Public Safety and Corrections.

18 (g) The offender has completed a reentry program to be determined by the
19 Department of Public Safety and Corrections.

20 (2) For each offender eligible for parole consideration pursuant to the
21 provisions of this Subsection, the committee on parole shall meet in a three-member
22 panel, and each member of the panel shall be provided with and shall consider a
23 written evaluation of the offender by a person who has expertise in adolescent brain
24 development and behavior and any other relevant evidence pertaining to the
25 offender.

26 (3) The panel shall render specific findings of fact in support of its decision.

27 Section 2. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.
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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 264 Reengrossed

2016 Regular Session

Mack

Abstract: Provides for parole consideration for juveniles sentenced to life imprisonment for certain homicide offenses when certain conditions are met.

Present law provides that any person serving a sentence of life imprisonment for a conviction of first degree murder or second degree murder who was under the age of 18 at the time of the commission of the offense shall be eligible for parole consideration if a judicial determination has been made that the person is entitled to parole eligibility and certain conditions are met.

In the case of *Montgomery v. Louisiana*, 577 U.S. ____ (January 25, 2016), the U.S. Supreme Court held that all juveniles (persons below 18) who were convicted of homicide (first or second degree murder), sentenced to a term of mandatory life without benefit of parole, and whose conviction became final prior to the *Miller v. Alabama*, 183 L.Ed. 2d 407 (2012), decision, should now receive a sentencing hearing to determine if they should receive parole eligibility.

Proposed law, which applies only to those persons whose convictions became final prior to the *Miller* decision which was rendered June 25, 2012, provides parole eligibility to those persons serving a life sentence for a conviction of first or second degree murder who was under the age of 18 at the time of the commission of the offense if the following conditions are met:

- (1) The offender has served 35 years of the sentence imposed.
- (2) The offender has not committed any disciplinary offenses in the 12 consecutive months prior to the parole eligibility date.
- (3) The offender has completed a minimum of 100 hours of prerelease programming.
- (4) The offender has completed substance abuse treatment as applicable.
- (5) The offender has obtained a GED or, in certain circumstances, has completed a literacy program, an adult basic education program, or a job skills training program.
- (6) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of DPS&C.
- (7) The offender has completed a reentry program to be determined by DPS&C.

Proposed law further provides that for persons who are eligible for parole pursuant to proposed law:

- (1) The committee on parole shall meet in a three-member panel.

- (2) Each member of the panel shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence pertaining to the offender.
- (3) The panel shall render specific findings of fact in support of its decision.

(Adds R.S. 15:574.4(F))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove the provision which authorized the district attorney to either concede to the juvenile's parole eligibility or to petition the court for a sentencing hearing to determine the juvenile's parole eligibility.
2. Add an effective date making proposed law effective upon signature of the governor.