

**SENATE FLOOR AMENDMENTS**

2016 Regular Session

Amendments proposed by Senator Barrow to Reengrossed House Bill No. 802 by Representative Jackson

1 AMENDMENT NO. 1

2 On page 1, line 3, after "(b) and" insert "R.S. 15:574.2(C)(2)(a) and 574.4(B)(1), and"

3 AMENDMENT NO. 2

4 On page 1, at the end of line 3 before the comma "," insert "and R.S. 15:824.2, and to repeal  
5 R.S. 15:827.1(E)(3)(b)"

6 AMENDMENT NO. 3

7 On page 1, line 4, after "violence" insert "and parole eligibility"

8 AMENDMENT NO. 4

9 On page 1, line 7, after "certain programs;" insert "to provide relative to parole eligibility for  
10 persons convicted of crimes of violence; to change the number of votes required to grant  
11 parole for offenders convicted of a crime of violence who meet certain conditions; to provide  
12 relative to the eligibility to participate in reentry preparation programs; to create the  
13 Programs to Reduce Recidivism Fund; to provide for the purposes of the fund; to provide  
14 for the appropriation of monies into the fund; to provide for the administration of the fund;  
15 to provide for the distribution of monies from the fund; to provide relative to the calculation  
16 of savings realized by the Department of Public Safety and Corrections;

17 AMENDMENT NO. 5

18 On page 4, after line 25 insert the following:

19 "Section 3. R.S. 15:574.2(C)(2)(a) and 574.4(B)(1) are hereby amended and reenacted to  
20 read as follows:

21 §574.2. Committee on parole, Board of Pardons; membership; qualifications;  
22 vacancies; compensation; domicile; venue; meetings; quorum; panels;  
23 powers and duties; transfer of property to committee; representation of  
24 applicants before the committee; prohibitions

25 \* \* \*

26 C.

27 \* \* \*

28 (2) The committee may grant parole with two votes of a three-member panel,  
29 or, if the number exceeds a three-member panel, a majority vote of those present if  
30 all of the following conditions are met:

31 (a) The offender has not been convicted of a ~~crime of violence as defined in~~  
32 ~~R.S. 14:2(B)~~ or a sex offense as defined in R.S. 15:541, ~~or convicted of or~~ an offense  
33 which would constitute a ~~crime of violence as defined in R.S. 14:2(B)~~ or a sex  
34 offense as defined in R.S. 15:541, regardless of the date of conviction.

35 \* \* \*

36 §574.4. Parole; eligibility

37 \* \* \*

38 B.(1) No person shall be eligible for parole consideration who has been  
39 convicted of armed robbery and denied parole eligibility under the provisions of R.S.  
40 14:64. Except as provided in Paragraph (2) of this Subsection, and except as  
41 provided in Subsections D and E of this Section, no prisoner serving a life sentence  
42 shall be eligible for parole consideration until his life sentence has been commuted  
43 to a fixed term of years. No prisoner sentenced as a serial sexual offender shall be  
44 eligible for parole. No prisoner may be paroled while there is pending against him

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

11 \* \* \*

12 Section 4. R.S. 15:824.2 is hereby enacted to read as follows:

13 §824.2. Programs to Reduce Recidivism Fund

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

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

30 C. Monies in the fund shall be appropriated and used for the following  
 31 purposes:

32 (1) To defray the operational expenses of probation and parole and reentry  
 33 initiatives.

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

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

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

41 D. The fund shall be administered by the Louisiana Commission on Law  
 42 Enforcement and the Administration of Criminal Justice and the Department of  
 43 Public Safety and Corrections, hereinafter referred to as "the administrators".  
 44 Monies in the fund shall be distributed to probation and parole, reentry initiatives,  
 45 and local prison facilities through a grant program established by the administrators.  
 46 The administrators shall allocate funds as necessary for the purposes provided in  
 47 Subsection C of this Section. The administrators shall promulgate such rules,  
 48 regulations, and procedures as are necessary in administering the provisions of this  
 49 Section.

50 Section 5. R.S. 15:827.1(E)(3)(b) is hereby repealed in its entirety.

51 Section 6. The provisions of Sections 3 and 5 of this Act shall have prospective  
 52 application only and shall apply only to persons convicted on or after the effective date of  
 53 this Act.

54 Section 7. The Department of Public Safety and Corrections shall measure and  
 55 document cost savings from the implementation of this Act. The Department of Public  
 56 Safety and Corrections shall establish a baseline for measurement using the average number  
 57 of inmates incarcerated at each type of penal or correctional institution as defined in R.S.  
 58 15:824 and at local parish jails or institutions in Fiscal Year 2015-2016. The Department  
 59 of Public Safety and Corrections shall provide information regarding the estimated savings  
 60 to the legislature. The Louisiana Legislature shall appropriate the savings realized by the

1 provisions of this Act to be deposited in the fund created by, and for the purposes set forth  
2 in, R.S. 15:824.2 enacted in Section 4 of this Act.  
3 Section 8. The provisions of Sections 1, 2, 6, 7 and this Section of this Act shall be  
4 effective August 1, 2016."