

## HOUSE SUMMARY OF SENATE AMENDMENTS

**HB 802**

**2016 Regular Session**

**Jackson**

CRIMINAL/SENTENCING: Provides relative to parole eligibility and eligibility to participate in a drug division probation program for certain persons convicted of a crime of violence, and provides for the creation and administration of the Programs to Reduce Recidivism Fund

### Synopsis of Senate Amendments

1. Decreases, from 85% of the sentence imposed to 75% of the sentence imposed, the amount of time a person convicted of a crime of violence is required to serve before becoming parole eligible. Provides that this change shall only apply to those persons convicted on or after the effective date of the proposed law.
2. Authorizes the granting of parole by majority vote for a person convicted of a crime of violence when certain conditions set forth in present law are met, including completion of 100 hours of a reentry preparation program as provided by present law. Provides that this change shall only apply to those persons convicted on or after the effective date of the proposed law.
3. Repeals a provision of present law which prohibits a person 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 as provided in proposed law. Provides that this change shall only apply to those persons convicted on or after the effective date of the proposed law.
4. Creates the Programs to Reduce Recidivism Fund and provides the purposes for which money in the fund may be used. 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.

### Digest of Bill as Finally Passed by Senate

Present law (R.S. 14:2(B)) provides that certain offenses can be defined as, or are specifically enumerated as, a crime of violence.

Present law prohibits persons convicted of certain crimes of violence as defined by present law from obtaining the benefits of suspension or deferral of sentence pursuant to C.Cr.P. Art. 893 or from participating in a drug division probation program pursuant to R.S. 13:5304.

Proposed law authorizes the court, upon the written recommendation of the district attorney, to designate in the court minutes that an offense is a crime of violence only for the purpose of determining whether the defendant is eligible for suspension or deferral of sentence or for participation in a drug division probation program.

Proposed law further provides that the following offenses shall always be designated by the court as a crime of violence in the court minutes: solicitation for murder, first degree murder, second degree murder, manslaughter, aggravated or first degree rape, forcible or second degree rape, simple or third degree rape, sexual battery, second degree sexual battery, intentional exposure to AIDS virus, aggravated kidnapping, second degree kidnapping, aggravated arson, armed robbery, assault by drive-by shooting, carjacking, terrorism, aggravated second degree battery, aggravated assault with a firearm, armed robbery, second

degree robbery, disarming of a peace officer, second degree cruelty to juveniles, aggravated crime against nature, trafficking of children for sexual purposes, human trafficking, and home invasion.

Present law (R.S. 15:574.4(B)(1)) 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 (R.S. 15:574.2(C)(1)) 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 (R.S. 15:574.2(C)(2)(a)) 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. Provides that this provision of proposed law shall apply only to those persons convicted on or after the effective date of proposed law.

Proposed law repeals the provision of present law (R.S. 15:827.1(E)(3)(b)) 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. Provides that only those persons convicted on or after the effective date of proposed law shall be eligible to participate in the reentry preparation program.

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.

Proposed law further 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. 13:5304(B)(10)(a) and (b), R.S. 15:574.2(C)(2)(a) and 574.4(B)(1), and C.Cr.P. Art. 893(A) and (E)(1)(b); Adds R.S. 15:824.2 and C.Cr.P. Art. 890.3; Repeals R.S. 15:827.1(E)(3)(b))