

## HOUSE SUMMARY OF SENATE AMENDMENTS

**HB 264**

**2016 Regular Session**

**Mack**

JUVENILES/DELINQUENTS: Provides with respect to the parole eligibility of juvenile offenders sentenced to life imprisonment for 1<sup>st</sup> or 2<sup>nd</sup> degree murder

### Synopsis of Senate Amendments

1. Deletes the proposed law provision that provides parole eligibility for juvenile offenders convicted of first or second degree murder prior to June 25, 2012, upon serving 35 years of the sentence imposed and meeting certain other conditions.
2. Amends the present law provision that provides parole eligibility for juvenile offenders convicted of first or second degree murder to remove the requirement that a sentencing hearing be held to establish parole eligibility and to provide for retroactive and prospective application of the law.

### Digest of Bill as Finally Passed by Senate

Present law (R.S. 15:574.4(E)) provides parole eligibility for certain juvenile offenders that are serving a life sentence for 1<sup>st</sup> degree murder or 2<sup>nd</sup> degree murder if a judicial determination has been made that the person is entitled to parole eligibility pursuant to a sentencing hearing provided for in present law (C.Cr.P. Art. 878.1) and certain conditions are met, including the requirement that the person serve 35 years of the sentence imposed.

For persons who are eligible for parole consideration pursuant to this present law provision present law further provides that the committee on parole shall meet in a three-member panel, 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 the panel shall render specific findings of fact in support of its decision.

Present law (C.Cr.P. Art. 878.1) provides that in any case where the offender is to be sentenced to life imprisonment for a conviction of 1<sup>st</sup> degree murder or 2<sup>nd</sup> degree murder and the offender was under the age of 18 years at the time of the commission of the offense, a hearing shall be conducted prior to sentencing to determine whether the sentence shall be imposed with or without parole eligibility.

Proposed law does all of the following:

- (1) Removes the requirement that a judicial determination be made to establish parole eligibility for juvenile offenders serving a life sentence for a conviction of 1<sup>st</sup> or 2<sup>nd</sup> degree murder.
- (2) Provides that the provisions of present law providing parole eligibility for certain juvenile offenders convicted of 1<sup>st</sup> or 2<sup>nd</sup> degree murder shall apply retroactively and prospectively regardless of the date of the offense or conviction.
- (2) Repeals present law provision (C.Cr.P. Art. 878.1) that provides for the sentencing hearing to determine whether certain juvenile offenders should be sentenced to life imprisonment for the commission of 1<sup>st</sup> degree or 2<sup>nd</sup> degree murder.

(Adds R.S. 15:574.4(E)(1)(intro. para.); Repeals C.Cr.P. Art. 878.1)