

RÉSUMÉ DIGEST

ACT 509 (HB 802)

2016 Regular Session

Jackson

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

Prior law prohibited persons convicted of certain crimes of violence as defined by existing law from obtaining the benefits of suspension or deferral of sentences (pursuant to C.Cr.P. Art. 893) or from participating in a drug division probation program (pursuant to R.S. 13:5304).

New 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 (C.Cr.P. Art. 893) or for participation in a drug division probation program (R.S. 13:5304).

New law further provides that the following offenses shall always be designated by the court as crimes of violence in the court minutes and thus would not be eligible for suspension or deferral of sentence or participation in a drug division probation program: 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.

Prior law (R.S. 15:574.4(B)(1)) provided for parole eligibility for offenders convicted of a crime of violence upon serving 85% of the sentence imposed.

New law amends prior law to provide parole eligibility for these offenders upon serving 75% of the sentence imposed. Provides that this provision of new law shall apply only to those persons convicted on or after the effective date of new law.

Prior law (R.S. 15:574.2(C)(1)) provided that a unanimous vote of the committee on parole is required to grant parole for any person convicted of a crime of violence.

Existing 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.

New law amends prior law to authorize the granting of parole by majority vote for a person convicted of a crime of violence when conditions set forth in existing law are met, including completion of at least 100 hours of a reentry preparation program as provided by existing law. Provides that this provision of new law shall apply only to those persons convicted on or after the effective date of new law.

New law repeals the provision of prior law (R.S. 15:827.1(E)(3)(b)) which prohibited 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. New law provides that only those persons convicted on or after the effective date of new law shall be eligible to participate in the reentry preparation program.

New law creates the Programs to Reduce Recidivism Fund to 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.

New law further provides that any savings realized from the new 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.

Effective August 1, 2016.

(Amends R.S. 13:5304(B)(10)(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))