

SENATE COMMITTEE AMENDMENTS

2017 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Engrossed House Bill No. 83 by Representative Marino

1 AMENDMENT NO. 1

2 On page 1, line 3, after "833(A) and (C)," delete "and" and insert "893(A) and (B)," and after
3 "900(A)(introductory paragraph)," delete the remainder of the line and insert "and (A)(5) and
4 (6), (B), and (C), and 903.1, R.S. 13:5304(B)(10)(b), and R.S. 15:571.3(B) and (D),
5 574.2(C)(1) and (2) and (D)(1), (6)(introductory paragraph), (8)(a), and (9), 574.4(A)(1),
6 (B)(1) and (C)(2), 574.4.1(A)(1), 574.6, 574.7(B)(1)(introductory paragraph) and (C),
7 574.9(D), (E), (F) and (G), 574.20, and 828(B) and (C), and to enact"

8 AMENDMENT NO. 2

9 On page 1, line 4, after "556.1(F), delete the remainder of the line and insert "562, 893(G),
10 895.6, 895.7 and 899.2, and R.S. 15:574.2(C)(4), 574.4(F), 574.7(D), 574.9(H), 827(A)(7)
11 and 828(D), and to repeal Code of Criminal Procedure Article 900(A)(7), relative to criminal
12 justice;

13 AMENDMENT NO. 3

14 On page 1, at the beginning of line 5, delete "of the defendant,"

15 AMENDMENT NO. 4

16 On page 1, line 10, after "signatures;" insert the following:

17 "to provide for alternatives to incarceration; to provide for release from incarceration
18 and from supervision; to provide for felony probation and parole; to provide for
19 suspension and deferral of sentence; to provide for the term of probation and of
20 parole; to provide for extended probation periods; to provide for discharge credits
21 for felony probation and for parole; to provide for the earning of discharge credits;
22 to provide for the regulation of number of credits earned; to provide for methods to
23 rescind credits; to provide for notice; to provide for the satisfaction of sentences; to
24 provide for discharge from probation and from parole; to provide for administrative
25 sanctions; to provide for technical violations of probation and of parole; to authorize
26 use of administrative sanctions; to provide for a system of administrative rewards;
27 to provide for probation and for parole revocation; to provide for sentences imposed
28 for technical violations of probation and of parole; to provide for credit for time
29 served; to provide for the substance abuse probation program; to provide for
30 diminution of sentence; to provide for good time; to provide for earning rates for
31 good time; to provide for the committee on parole; to provide for meetings of the
32 committee on parole; to provide for voting; to provide for administrative parole; to
33 provide for notice to victims; to provide for notice for victim's spouse or next of kin;
34 to provide for parole eligibility; to provide for parole eligibility for offenders serving
35 a life sentence; to provide for parole hearings; to provide for conditions of parole;
36 to provide for custody and supervision of parolees; to provide for modification of
37 parole; to provide for suspension of probation and of parole; to provide for return to
38 custody hearings; to provide for detainers; to provide for enforceability of detainers;
39 to provide for medical parole; to authorize medical treatment furloughs; to provide
40 for the terms of medical parole and medical treatment furlough; to provide for
41 revocation of medical parole or medical treatment furlough for improved health; to
42 provide for written case plans; to provide for classification and treatment programs;
43 to provide for credit for participation in certain programs; to provide relative to good
44 time for offenders sentenced as habitual offenders; to provide for rulemaking; to
45 provide for record collection; to provide for maintenance of records; to provide for
46 effective dates;"

1 AMENDMENT NO. 5

2 On page 1, line 13, after "833(A) and (C)," delete the remainder of the line and insert
 3 "893(A) and (B), 900(A)(introductory paragraph) and (A)5 and (6), (B), and (C), and 903.1
 4 are hereby amended and"

5 AMENDMENT NO. 6

6 On page 1, line 14, after "556.1(F)," delete the remainder of the line and insert "562, 893(G),
 7 895.6, 895.7, and 899.2 are hereby"

8 AMENDMENT NO. 7

9 On page 3, line 10, after "consent" insert "and the consent of the district attorney"

10 AMENDMENT NO. 8

11 On page 6, between lines 12 and 13, insert the following:

12 "Art. 893. Suspension and deferral of sentence and probation in felony cases

13 A.(1) When it appears that the best interest of the public and of the defendant
 14 will be served, the court, after a first, ~~or second,~~ or third conviction of a noncapital
 15 felony, may suspend, in whole or in part, the imposition or execution of either or
 16 both sentences, where suspension is allowed under the law, and in either or both
 17 cases place the defendant on probation under the supervision of the division of
 18 probation and parole. The court shall not suspend the sentence of a second or third
 19 conviction of R.S. 14:73.5. Except as provided in Paragraph G of this Article, the
 20 period of probation shall be specified and shall not be more than three years.

21 (2) The court shall not suspend the sentence of a conviction for an offense
 22 that is designated in the court minutes as a crime of violence pursuant to Article
 23 890.3, except a first conviction for an offense with a maximum prison sentence of
 24 ten years or less that was not committed against a family member, household
 25 member, or dating partner, or of a second or third conviction if the second or third
 26 conviction is for a violation of R.S. 14:73.5; 81.1; or 81.2. The period of probation
 27 shall be specified and shall not be ~~less than one year nor~~ more than five years.

28 (3) The suspended sentence shall be regarded as a sentence for the purpose
 29 of granting or denying a new trial or appeal.

30 (4) Supervised release as provided for by Chapter 3-E of Title 15 of the
 31 Louisiana Revised Statutes of 1950 shall not be considered probation and shall not
 32 be limited by the five-year or three-year periods for probation provided for by the
 33 provisions of this Paragraph.

34 B.(1)~~(a)~~ Notwithstanding any other provision of law to the contrary, when it
 35 appears that the best interest of the public and of the defendant will be served, the
 36 court, after a fourth conviction of operating a vehicle while intoxicated pursuant to
 37 R.S. 14:98, The court may suspend, in whole or in part, the imposition or execution
 38 of the sentence when the defendant was not offered such alternatives prior to his
 39 fourth conviction of operating a vehicle while intoxicated and the following
 40 conditions exist:

41 (i) ~~The sentence is for a third conviction of any of the following:~~

42 (aa) ~~A noncapital felony for which a defendant could have his sentence~~
 43 ~~suspended under Paragraph A of this Article had the conviction been for a first or~~
 44 ~~second offense.~~

45 (bb) ~~A violation of the Uniform Controlled Dangerous Substances Law.~~

46 (cc) ~~A third conviction of operating a vehicle while intoxicated in violation~~
 47 ~~of R.S. 14:98.~~

48 (ii) ~~It appears that suspending the sentence is in the best interest of the public~~
 49 ~~and the defendant.~~

50 (iii)(a) The district attorney consents to the suspension of the sentence.

51 (iv)(b) The court orders the defendant to do any of the following:

52 (aa)(i) Enter and complete a program provided by the drug division of the
 53 district court pursuant to R.S. 13:5301 et seq. ~~When a case is assigned to the drug~~

1 division probation program pursuant to the provisions of R.S. 13:5301 et seq., with
 2 the consent of the district attorney, the court may place the defendant on probation
 3 for a period of not more than eight years if the court determines that successful
 4 completion of the program may require that period of probation to exceed the five-
 5 year limit. If necessary to assure successful completion of the drug division
 6 probation program, the court may extend the duration of the probation period. The
 7 period of probation as initially fixed or as extended shall not exceed eight years.

8 ~~(bb)(ii)~~ Enter and complete an established driving while intoxicated court or
 9 sobriety court program, as agreed upon by the trial court and the district attorney.
 10 When a case is assigned to an established driving while intoxicated court or sobriety
 11 court program, with the consent of the district attorney, the court may place the
 12 defendant on probation for a period of not more than eight years if the court
 13 determines that successful completion of the program may require that period of
 14 probation to exceed the five-year limit. If necessary to assure successful completion
 15 of the drug division probation program, the court may extend the duration of the
 16 probation period. The period of probation as initially fixed or as extended shall not
 17 exceed eight years.

18 ~~(cc)(iii)~~ Reside for a minimum period of one year in a facility which
 19 conforms to the Judicial Agency Referral Residential Facility Regulatory Act, R.S.
 20 40:2852.

21 ~~(dd)(iv)~~ Enter and complete the Swift and Certain Probation Pilot Program
 22 established pursuant to R.S. 13:5371 et seq. When a case is assigned to this pilot
 23 program, with the consent of the district attorney, the court may place the defendant
 24 on probation for a period of not less than one year and not more than eight years if
 25 the court determines that successful completion of the program may require that
 26 period of probation to exceed the five-year limit. If necessary to ensure successful
 27 completion of the program, the court may extend the duration of the probation
 28 period. The period of probation as initially fixed or as extended shall not exceed
 29 eight years.

30 ~~(b)(2)~~ When suspension is allowed under this Paragraph, the defendant shall
 31 be placed on probation under the supervision of the division of probation and parole.
 32 The period of probation shall be specified and shall not be less than two years nor
 33 more than five three years, except as provided in Subitems (a)(iv)(aa), (bb), and (dd)
 34 of this Subparagraph Paragraph G of this Article. The suspended sentence shall be
 35 regarded as a sentence for the purpose of granting or denying a new trial or appeal.

36 ~~(2)~~ Notwithstanding any other provisions of law to the contrary, the
 37 sentencing alternatives available in Subparagraph (1) of this Paragraph, shall be
 38 made available to offenders convicted of a fourth offense violation of operating a
 39 vehicle while intoxicated pursuant to R.S. 14:98, only if the offender had not been
 40 offered such alternatives prior to his fourth conviction of operating a vehicle while
 41 intoxicated.

42 * * *

43 G. If the court, with the consent of the district attorney, orders a defendant,
 44 upon a third conviction or fourth felony conviction, to enter and complete a program
 45 provided by the drug division of the district court pursuant to R.S. 13:5301, an
 46 established driving while intoxicated court or sobriety court program, or the Swift
 47 and Certain Probation Pilot Program established pursuant to R.S. 13:5371, the court
 48 may place the defendant on probation for a period of not more than eight years if the
 49 court determines that successful completion of the program may require that period
 50 of probation to exceed the three-year limit. The court may not extend the duration
 51 of the probation period solely due to unpaid fees and fines. The period of probation
 52 as initially fixed or as extended shall not exceed eight years.

53 * * *

54 Art. 895.6. Discharge credits; probation

55 A.(1) Every defendant on felony probation pursuant to Article 895 for an
 56 offense other than a crime of violence as defined in R.S. 14:2(B) or a sex offense as
 57 defined in R.S. 15:541 shall earn discharge credits for compliance with the terms and
 58 conditions of probation supervision to reduce the term of supervision. A defendant
 59 shall earn credits equal to thirty days for every calendar month of compliance with
 60 the terms and conditions of his probation. A defendant shall not receive credits for
 61 any partial calendar month of felony probation.

1 (2) Notwithstanding Subparagraph (1) of this Paragraph and any other law
 2 to the contrary, discharge credits may not be earned in conjunction with any other
 3 credits received toward a defendant's term of probation. If a defendant receives credit
 4 toward his term of probation for any other reason, he shall not receive discharge
 5 credits for that period of time.

6 B. If the chief probation and parole officer, upon recommendation by a
 7 probation officer, has reasonable cause to believe that a defendant on felony
 8 probation has not been compliant with the conditions of his probation in a given
 9 calendar month, he shall notify the sentencing judge within five business days of
 10 learning of the incident of noncompliance. If, within five business days of receiving
 11 the notification, the judge does not make a ruling to the contrary, thirty days of
 12 earned discharge credits will be rescinded from the defendant. Credits may only be
 13 rescinded for a month in which the defendant is found not to be in compliance.

14 C. The Department of Corrections shall develop written policies and
 15 procedures for the implementation of earned discharge credits for defendants on
 16 felony probation supervision provided for by the provisions of this Article. The
 17 policies and procedures shall include but not be limited to written guidelines
 18 regarding the process to earn discharge credits and the application of the credits
 19 toward the reduction of the term of supervision. The Department of Corrections shall
 20 also collect data on the implementation of earned discharge credits, including the
 21 names of defendants that earned credits, how many credits are applied to each
 22 defendant, and reductions to supervision periods at the time of discharge.

23 D. The Department of Corrections shall maintain a record of credits earned
 24 by each defendant under this Article. Every six months from the date the defendant
 25 is placed on probation, the department shall notify the defendant of the current
 26 earned compliance discharge date for the defendant's term of supervision and the
 27 overall sentence of the defendant.

28 E. The Department of Corrections shall notify the court no less than sixty
 29 days prior to the expected discharge date. Nothing in this Article shall prohibit the
 30 department from requesting that the court terminate the probation supervision prior
 31 to the discharge date.

32 F. When a defendant's total probation is satisfied through a combination of
 33 time served on felony probation and earned discharge credits, the court shall order
 34 the termination of the probation of the defendant.

35 G. For purposes of this Article, "calendar month of compliance" shall be
 36 defined as any one of the twelve periods of time in which the calendar is divided in
 37 which none of the following occur:

38 (1) A violation report is submitted by a probation officer.

39 (2) An administrative sanction is issued by a probation officer pursuant to
 40 Article 899.1.

41 (3) A defendant absconds from supervision in any of the following ways:

42 (a) Fails to report within five business days after release from custody.

43 (b) Fails to report, as ordered by the court or directed by the probation officer,
 44 for a scheduled meeting with a probation officer, and fails to make contact with a
 45 probation officer within thirty days of the missed meeting.

46 (c) The defendant serves a term of imprisonment pursuant to Article 900.
 47 Art. 895.7. Discharge credits; parole

48 A.(1) Every defendant on parole pursuant to R.S. 15:574.4.2 for an offense
 49 other than a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined
 50 in R.S. 15:541 shall earn discharge credits for compliance with the terms and
 51 conditions of parole supervision to reduce the term of supervision. A defendant shall
 52 earn credits equal to thirty days for every calendar month of compliance with the
 53 terms and conditions of his parole supervision. A defendant shall not receive credits
 54 for any partial calendar month of parole.

55 (2) Notwithstanding Subparagraph (1) of this Paragraph and any provision
 56 of law to the contrary, discharge credits may not be earned in conjunction with any
 57 other credits toward a defendant's term of parole. If a defendant receives credit
 58 toward his term of parole for any other reason, he shall not receive discharge credits
 59 for that period of time.

60 B. If the chief probation and parole officer, upon recommendation by a parole
 61 officer, has reasonable cause to believe that a defendant on parole has not been

1 compliant with the conditions of his parole in a given calendar month, he shall notify
 2 the committee on parole within five business days of learning of the incident of
 3 noncompliance. If, within five business days of receiving the notification, the
 4 committee on parole does not make a ruling to the contrary, thirty days of earned
 5 discharge credits shall be rescinded from the defendant. Credits may only be
 6 rescinded for a month in which the defendant is found not to be in compliance.

7 C. The Department of Corrections shall develop written policies and
 8 procedures for the implementation of earned discharge credits for defendants on
 9 parole supervision provided for by the provisions of this Article. The policies and
 10 procedures shall include but not be limited to written guidelines regarding the
 11 process to earn discharge credits and the application of the credits toward the
 12 reduction of the term of supervision. The Department of Corrections shall also
 13 collect data on the implementation of earned discharge credits, including the names
 14 of defendants that earned credits, how many credits are applied to each defendant,
 15 and reductions to supervision periods at the time of discharge.

16 D. The Department of Corrections shall maintain a record of credits earned
 17 by each defendant under this Article. Every six months from the date the defendant
 18 is released on parole, the department shall notify the defendant of the current earned
 19 compliance discharge date for the defendant's term of supervision and the overall
 20 sentence of the defendant.

21 E. The Department of Corrections shall notify the committee on parole no
 22 less than sixty days prior to the expected discharge date. Nothing in this Article shall
 23 prohibit the department from requesting that the committee on parole terminate
 24 parole supervision prior to the termination date.

25 F. When a defendant's total sentence is satisfied through a combination of
 26 time served on parole and earned discharge credits, the Department of Corrections,
 27 without order by the committee, shall discharge the defendant.

28 G. For purposes of this Article, "calendar month of compliance" shall be
 29 defined as any one of the twelve periods of time in which the calendar is divided in
 30 which none of the following occur:

31 (1) A violation report is submitted by a parole officer.

32 (2) An administrative sanction is issued by a parole officer pursuant to R.S.
 33 15:574.7.

34 (3) A defendant absconds from supervision in any of the following ways:

35 (a) Fails to report within five business days after release from custody.

36 (b) Fails to report, as ordered by the committee on parole or directed by the
 37 parole officer, for a scheduled meeting with a parole officer, and fails to make
 38 contact with a parole officer within thirty days of the missed meeting.

39 (c) The defendant serves a term of imprisonment pursuant to R.S. 15:574.9.

40 * * *

41 Art. 899.2. Administrative sanctions for technical violations; offenses other than
 42 crimes of violence or sex offenses

43 A. Each time a defendant on probation for a crime other than a crime of
 44 violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541(24)
 45 violates a condition of his probation, a probation agency is authorized to use
 46 administrative sanctions to address a technical violation committed by a defendant
 47 when all of the following occur:

48 (1) The defendant, after receiving written notification of the right to a hearing
 49 before a court and the right to counsel provides a written waiver of a probation
 50 violation hearing.

51 (2) The defendant admits to the violation or affirmatively chooses not to
 52 contest the violation alleged in the probation violation report.

53 (3) The defendant consents to the imposition of administrative sanctions by
 54 the Department of Public Safety and Corrections.

55 B. The department shall promulgate rules to implement the provisions of this
 56 Article to establish the following:

57 (1)(a) A system of structured, administrative sanctions which shall be
 58 imposed for technical violations of probation and which shall take into consideration
 59 the following factors:

60 (i) The severity of the violation behavior.

61 (ii) The prior violation history.

1 (iii) The severity of the underlying criminal conviction.
2 (iv) The criminal history of the probationer.
3 (v) Any special circumstances, characteristics, or resources of the
4 probationer.

5 (vi) Protection of the community.

6 (vii) Deterrence.

7 (viii) The availability of appropriate local sanctions, including but not limited
8 to jail, treatment, community service work, house arrest, electronic surveillance,
9 restitution centers, work release centers, day reporting centers, or other local
10 sanctions.

11 (b) Incarceration shall not be used for the first or second lowest-level
12 violations, including but not limited to a first positive drug test; association with
13 known felons or persons involved in criminal activity; changing residence without
14 permission, failure to initially report as required; failure to pay restitution up to three
15 months; failure to report as instructed; travel without permission; and unemployment
16 and failure to seek employment within ninety days.

17 (c) Incarceration shall not be used for first or second violations of alcohol use
18 or admission, except for defendants convicted of operating a vehicle while
19 intoxicated pursuant to R.S. 14:98; defendants convicted of domestic abuse battery
20 pursuant to R.S. 14:35.3 committed by one family member, household member, or
21 dating partner against another; or defendants convicted of violation of a protective
22 order pursuant to R.S. 14:79 committed by one family member, household member,
23 or dating partner against another.

24 (2) Procedures to provide a probationer with written notice of the right to a
25 probation violation hearing to determine whether the probationer violated the
26 conditions of probation alleged in the violation report and the right to be represented
27 by counsel at state expense at that hearing if financially eligible.

28 (3) Procedures for a probationer to provide written waiver of the right to a
29 probation violation hearing, to admit to the violation or affirmatively choose not to
30 contest the violation alleged in the probation violation report, and to consent to the
31 imposition of administrative sanctions by the department.

32 (4) The level and type of sanctions that may be imposed by probation officers
33 and other supervisory personnel.

34 (5) The level and type of violation behavior that warrants a recommendation
35 to the court that probation be revoked.

36 (6) Procedures notifying the probationer, the district attorney, the defense
37 counsel of record, and the court of probation of a violation admitted by the
38 probationer and the administrative sanctions imposed.

39 (7) Such other policies and procedures as are necessary to implement the
40 provisions of this Article and to provide adequate probation supervision.

41 C. If the administrative sanction imposed pursuant to the provisions of this
42 Article is jail confinement, the confinement shall not exceed ten days per violation
43 and shall not exceed a total of sixty days per year.

44 D. For purposes of this Article, "technical violation" means any violation of
45 a condition of probation, except that it does not include any of the following:

46 (1) A new felony conviction.

47 (2) A conviction for an intentional misdemeanor directly affecting the person.

48 (3) An allegation of a subsequent criminal act pursuant to R.S. 14:2(B).

49 (4) An allegation of a subsequent criminal act pursuant to R.S. 15:541.

50 (5) An allegation of domestic abuse battery pursuant to R.S. 14:35.3
51 committed by one family member, household member, or dating partner against
52 another.

53 (6) An allegation of violation of protective order pursuant to R.S. 14:79
54 committed by one family member, household member, or dating partner against
55 another."

56 AMENDMENT NO. 9

57 On page 6, between lines 23 and 24, insert the following:

1 "(5)(a) Order that the probation be revoked. In the event of revocation the
2 defendant shall serve the sentence suspended, with or without credit for the time
3 served on probation at the discretion of the court. If the imposition of sentence was
4 suspended, the defendant shall serve the sentence imposed by the court at the
5 revocation hearing.

6 **(b) Notwithstanding the provisions of Item(a) of this Subparagraph, in the**
7 **event of revocation for a defendant placed on probation for the conviction of an**
8 **offense other than a crime of violence as defined in R.S. 14:2(B) or a sex offense as**
9 **defined in R.S. 15:541, the defendant shall serve the sentence suspended with credit**
10 **for time served on probation.**

11 (6)(a) Notwithstanding the provisions of Subparagraph (A)(5) of this Article,
12 any defendant who has been placed on probation by the drug division probation
13 program pursuant to R.S. 13:5304, and who has had his probation revoked under the
14 provisions of this Article for a technical violation of drug division probation as
15 determined by the court, may be ordered to be committed to the custody of the
16 Department of Public Safety and Corrections and be required to serve a sentence of
17 not more than twelve months without diminution of sentence in the intensive
18 incarceration program pursuant to the provisions of R.S. 15:574.4.4. Upon successful
19 completion of the program, the defendant shall return to active, supervised probation
20 with the drug division probation program for a period of time as ordered by the court,
21 subject to any additional conditions imposed by the court and under the same
22 provisions of law under which the defendant was originally sentenced. If an offender
23 is denied entry into the intensive incarceration program for physical or mental health
24 reasons or for failure to meet the department's suitability criteria, the department
25 shall notify the sentencing court for resentencing in accordance with the provisions
26 of Article 881.1.

27 (b) Notwithstanding the provisions of Subparagraph (A)(5) of this Article,
28 any defendant who has been placed on probation by the court for the conviction of
29 an offense other than a crime of violence as defined in R.S. 14:2(B) or of a sex
30 offense as defined in R.S. 15:541(24), and who has had his probation revoked under
31 the provisions of this Article for ~~his first~~ a technical violation of his probation as
32 determined by the court, shall be required to serve ~~a sentence of not more than ninety~~
33 ~~days without diminution of sentence, without diminution of sentence, as follows:~~

34 (i) For the first technical violation, not more than fifteen days.

35 (ii) For the second technical violation, not more than thirty days.

36 (iii) For a third or subsequent technical violation, not more than forty-five
37 days.

38 (c) The defendant shall be given credit for time served prior to the revocation
39 hearing for time served in actual custody while being held for a technical violation
40 in a local detention facility, state institution, or out-of-state institution pursuant to
41 Article 880. The term of the revocation for a technical violation shall begin on the
42 date the court orders the revocation. Upon completion of the imposed sentence for
43 the technical revocation, the defendant shall return to active and supervised probation
44 for a period equal to the remainder of the original period of probation subject to any
45 additional conditions imposed by the court. ~~The provisions of this Paragraph shall~~
46 ~~apply only to the defendant's first revocation for a technical violation.~~

47 (d) If a defendant completes ninety days of court-recommended substance
48 abuse treatment he shall receive ninety days credit toward his term of probation.

49 ~~(e)(e) A "technical violation", as used in this Paragraph, means any violation~~
50 ~~except a felony conviction, except it shall not include any of the following:~~

51 ~~(i) Being arrested, charged, or convicted of any of the following:~~

52 ~~(aa) A felony.~~

53 ~~(bb) A violation of any provision of Title 40 of the Louisiana Revised~~
54 ~~Statutes of 1950, except for misdemeanor possession of marijuana or~~
55 ~~tetrahydrocannabinol, or chemical derivatives thereof, as provided in R.S.~~
56 ~~40:966(E)(1), which shall be considered a "technical violation".~~

57 ~~(cc) Any intentional misdemeanor directly affecting the person.~~

58 ~~(dd) At the discretion of the court, any attempt to commit any intentional~~
59 ~~misdemeanor directly affecting the person.~~

60 ~~(ee) At the discretion of the court, any attempt to commit any other~~
61 ~~misdemeanor.~~

- (ii) Being in possession of a firearm or other prohibited weapon.
- (iii) Failing to appear at any court hearing.
- (iv) Absconding from the jurisdiction of the court.
- (v) Failing to satisfactorily complete a drug court program if ordered to do so as a special condition of probation.
- (vi) At the discretion of the court, failing to report to the probation officer for more than one hundred twenty consecutive days.

* * *

AMENDMENT NO. 10

On page 7, after line 4, insert the following:

"Art. 903.1. Substance abuse probation program; eligibility
 A. In order to be eligible for the substance abuse probation program, the defendant must be charged with a violation of a statute of this state relating to the use and possession of or possession with intent to distribute any narcotic drugs, coca leaves, marijuana, stimulants, depressants, or hallucinogenic drugs, or where there is a significant relationship between the use of alcohol or drugs and the crime before the court. ~~shall not be excluded from participation pursuant to the provisions of Paragraph B of this Article and shall be charged with any of the following offenses:~~

- (1) ~~Felony possession of a controlled dangerous substance as defined in R.S. 40:966(C), 967(C), 968(C), or 969(C).~~
- (2) ~~Except as provided in Subparagraph (3) of this Paragraph, possession with intent to distribute a controlled dangerous substance as defined in R.S. 40:966(A), 967(A), 968(A), or 969(A) where the offense involves less than twenty-eight grams of the controlled dangerous substance.~~
- (3) ~~Possession with intent to distribute marijuana or synthetic cannabinoids as defined in R.S. 40:966(A) where the offense involves less than one pound of marijuana or synthetic cannabinoids.~~

B. The provisions of this Article shall not apply to any defendant who has been convicted of a crime of violence as defined in R.S. 14:2(B), except for a first conviction of an offense with a maximum prison sentence of ten years or less that was not committed against a family member, household member, or dating partner, or a sex offense as defined in R.S. 15:541, or any defendant who has participated in or declined to participate in a drug division probation program as provided for in R.S. 13:5301 et seq.

Section 2. R.S. 13:5304(B)(10)(b) is hereby amended and reenacted to read as follows:

§5304. The drug division probation program

* * *

B. Participation in probation programs shall be subject to the following provisions:

* * *

(10) In order to be eligible for the drug division probation program, the defendant must satisfy each of the following criteria:

* * *

(b) The crime before the court cannot be a crime of violence as defined in R.S. 14:2(B), except a first conviction of an offense with a maximum prison sentence of ten years or less that was not committed against a family member, household member, or dating partner, or an offense of domestic abuse battery which is punishable by imprisonment at hard labor as provided in R.S. 14:35.3.

* * *

Section 3. R.S. 15:571.3(B) and (D), 574.2(C)(1) and (2) and (D)(1), (6)(introductory paragraph), (8)(a) and (9), 574.4(A)(1), (B)(1) and (C)(2), 574.4.1(A)(1), 574.6, 574.7(B)(1)(introductory paragraph) and (C), 574.9(D), (E), (F), and (G), 574.20 and 828(B) and (C) are hereby amended and reenacted and R.S. 15:574.2(C)(4), 574.4(F), 574.7(D), 574.9(H), 827(A)(7) and 828(D) are hereby enacted to read as follows:

§571.3. Diminution of sentence for good behavior

* * *

1 B.(1)(a) Unless otherwise prohibited, every inmate offender in the custody
 2 of the department who has been convicted of a felony, except an inmate offender
 3 convicted a second time of a crime of violence as defined by R.S. 14:2(B), and
 4 sentenced to imprisonment for a stated number of years or months, may earn, in lieu
 5 of incentive wages, a diminution of sentence by good behavior and performance of
 6 work or self-improvement activities, or both, to be known as "good time". Those
 7 inmates offenders serving life sentences will be credited with good time earned
 8 which will be applied toward diminution of their sentences at such time as the life
 9 sentences might be commuted to a specific number of years. The secretary shall
 10 establish regulations for awarding and recording of good time and shall determine
 11 when good time has been earned toward diminution of sentence. The amount of
 12 diminution of sentence allowed under the provisions of this Section shall be at the
 13 rate of ~~one and one half day for every one day~~ thirteen days for every seven days in
 14 actual custody served on the imposed sentence, including time spent in custody with
 15 good behavior prior to sentencing for the particular sentence imposed as authorized
 16 by the provisions of Code of Criminal Procedure Article 880.

17 (b) The provisions of Subparagraph (a) of this Paragraph shall be applicable
 18 to persons offenders convicted of offenses or revoked on probation or parole on or
 19 after January 1, 1992 and who are not serving a sentence for the following offenses:

20 (i) A sex offense as defined in R.S. 15:541.

21 (ii) A crime of violence as defined in R.S. 14:2(B).

22 (iii) Any offense which would constitute a crime of violence as defined in
 23 R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of
 24 conviction.

25 (2)(a) An inmate offender convicted a ~~first time~~ of a crime of violence as
 26 defined in R.S. 14:2(B), without a prior conviction of a crime of violence as defined
 27 in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, shall earn diminution of
 28 sentence at a rate of ~~three days for every seventeen~~ one day for every three days in
 29 actual custody held on the imposed sentence, including time spent in custody with
 30 good behavior prior to sentencing for the particular sentence imposed as authorized
 31 by Code of Criminal Procedure Article 880.

32 (b) The provisions of this Paragraph shall not apply to an offender if his
 33 instant conviction is for a crime that is a crime of violence as defined in R.S. 14:2(B)
 34 and a sex offense as defined in 15:541.

35 (c) The provisions of this Paragraph shall apply only to offenders convicted
 36 of offenses or revoked on probation or parole on or after November 1, 2017.

37 (3) ~~A person shall not be eligible for diminution of sentence for good~~
 38 ~~behavior if he has been convicted of or pled guilty to, or where adjudication has been~~
 39 ~~deferred or withheld for, a violation of any one of the following offenses:~~

40 (a) ~~Rape (R.S. 14:41).~~

41 (b) ~~Aggravated or first degree rape (R.S. 14:42).~~

42 (c) ~~Forcible or second degree rape (R.S. 14:42.1).~~

43 (d) ~~Simple or third degree rape (R.S. 14:43).~~

44 (e) ~~Sexual battery (R.S. 14:43.1).~~

45 (f) ~~Second degree sexual battery (R.S. 14:43.2).~~

46 (g) ~~Oral sexual battery (R.S. 14:43.3).~~

47 (h) ~~Intentional exposure to AIDS virus (R.S. 14:43.5).~~

48 (i) ~~Repealed by Acts 2014, No. 602, §7, eff. June 12, 2014.~~

49 (j) ~~Repealed by Acts 2014, No. 602, §7, eff. June 12, 2014.~~

50 (k) ~~Felony carnal knowledge of a juvenile (R.S. 14:80).~~

51 (l) ~~Indecent behavior with juveniles (R.S. 14:81).~~

52 (m) ~~Pornography involving juvenile (R.S. 14:81.1).~~

53 (n) ~~Molestation of a juvenile or a person with a physical or mental disability~~
 54 ~~(R.S. 14:81.2).~~

55 (o) ~~Computer-aided solicitation of a minor (R.S. 14:81.3).~~

56 (p) ~~Crime against nature (R.S. 14:89).~~

57 (q) ~~Aggravated crime against nature (R.S. 14:89.1).~~

58 (r) ~~Sexual battery of persons with infirmities (R.S. 14:93.5).~~

59 (4) ~~Diminution of sentence shall not be allowed an inmate in the custody of~~
 60 ~~the Department of Public Safety and Corrections if the inmate has been convicted~~
 61 ~~one or more times under the laws of this state, any other state, or the federal~~

1 government of any one or more of the following crimes or attempts to commit any
2 of the following crimes:

- 3 (a) ~~Felony carnal knowledge of a juvenile.~~
- 4 (b) ~~Indecent behavior with juveniles.~~
- 5 (c) ~~Molestation of a juvenile or a person with a physical or mental disability.~~
- 6 (d) ~~Crime against nature as defined by R.S. 14:89(A)(2).~~
- 7 (e) ~~Aggravated crime against nature as defined by R.S. 14:89.1(A)(2).~~

8 * * *

9 D.(1) Diminution of sentence shall not be allowed an inmate offender in the
10 custody of the Department of Public Safety and Corrections if the instant offense is
11 a ~~second offense crime of violence as defined by R.S. 14:2(B)~~ crime of violence as
12 defined by R.S. 14:2(B) and the offender has two or more prior convictions for a
13 crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S.
14 15:541.

15 (2) Diminution of sentence shall not be allowed an offender in the custody
16 of the Department of Public Safety and Corrections if the instant offense is a sex
17 offense as defined by R.S. 15:541.

18 * * *

19 §574.2. Committee on parole, Board of Pardons; membership; qualifications;
20 vacancies; compensation; domicile; venue; meetings; quorum;
21 panels; powers and duties; transfer of property to committee;
22 representation of applicants before the committee; prohibitions

23 * * *

24 C.(1) The committee shall meet in a minimum of three-member panels at the
25 adult correctional institutions on regular scheduled dates, not less than every three
26 months. Such dates are to be determined by the chairman. Except as provided for in
27 Paragraph (2) of this Subsection or in cases where the offender is released pursuant
28 to Paragraph (4) of this Subsection, three votes of a three-member panel shall be
29 required to grant parole, or, if the number exceeds a three-member panel, a
30 unanimous vote of those present shall be required to grant parole.

31 (2) ~~The~~ Except in cases where the offender is released pursuant to Paragraph
32 (4) of this Subsection, the committee may grant parole with two votes of a three-
33 member panel, or, if the number exceeds a three-member panel, a majority vote of
34 those present if all of the following conditions are met:

35 (a) The offender has not been convicted of a sex offense as defined in R.S.
36 15:541 or an offense which would constitute a sex offense as defined in R.S. 15:541,
37 regardless of the date of conviction.

38 (b) The offender has not committed any major disciplinary offenses in the
39 twelve consecutive months prior to the parole eligibility date. A major disciplinary
40 offense is an offense identified as a Schedule B offense by the Department of Public
41 Safety and Corrections in the Disciplinary Rules and Procedures of Adult Offenders.

42 (c) The offender has completed the mandatory minimum of one hundred
43 hours of pre-release programming in accordance with R.S. 15:827.1 if such
44 programming is available at the facility where the offender is incarcerated.

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

46 (e) The offender has obtained a GED credential, unless the offender has
47 previously obtained a high school diploma or is deemed by a certified educator as
48 being incapable of obtaining a GED credential due to a learning disability. If the
49 offender is deemed incapable of obtaining a GED credential, the offender must
50 complete at least one of the following: a literacy program, an adult basic education
51 program, or a job skills training program.

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

55 * * *

56 (4)(a) Notwithstanding any provision of law to the contrary, each offender
57 convicted of an offense other than a crime of violence as defined in R.S. 14:2(B) or
58 a sex offense as defined in R.S. 15:541 after November 1, 2017, and eligible for
59 parole pursuant to R.S. 15:574.4(A)(1), except those sentenced under R.S. 15:529.1,
60 shall be released on administrative parole on the offender's parole eligibility date
61 without a hearing before the committee if all of the following conditions are met:

1 (b) To notify the victim, or the spouse or next of kin of a deceased victim of
2 those offenders eligible for release pursuant to Paragraph (C)(4) of this Section. The
3 notification shall meet all requirements set forth in Subparagraph (9)(a) of this
4 Section except that it shall give notice of the offender's administrative parole
5 eligibility date and be sent no less than ninety days prior to the offender's
6 administrative parole eligibility date. If the offender's charge or amended charge on
7 the bill of information was a crime of violence as defined in R.S. 14:2(B) or a sex
8 offense as defined in R.S. 15:541, the victim, or the spouse or next of kin of a
9 deceased victim shall have thirty days from the date of notification to object to the
10 offender's release on administrative parole and may request that the committee on
11 parole conduct a hearing.

12 * * *

13 §574.4. Parole; eligibility

14 A.(1)(a) ~~Unless eligible at an earlier date and except as provided for in~~
15 ~~Subparagraph (b) of this Paragraph and Subsection B of this Section, a person;~~
16 ~~otherwise eligible for parole, convicted of a first felony offense shall be eligible for~~
17 ~~parole consideration upon serving twenty-five percent of the sentence imposed. The~~
18 ~~provisions of this Subparagraph shall not apply to any person whose instant offense~~
19 ~~is a crime of violence as defined in R.S. 14:2(B), a sex offense as defined in R.S.~~
20 ~~15:541, or any offense which would constitute a crime of violence as defined in R.S.~~
21 ~~14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of~~
22 ~~conviction. Notwithstanding any provisions of law to the contrary, the provisions of~~
23 ~~this Subparagraph shall be applicable to persons convicted of offenses or persons that~~
24 ~~have had probation or parole revoked prior to and on or after, November 1, 2017.~~
25 ~~thirty-three and one-third percent of the sentence imposed. Upon conviction of a~~
26 ~~second felony offense, such person shall be eligible for parole consideration upon~~
27 ~~servicing fifty percent of the sentence imposed. A person convicted of a third or~~
28 ~~subsequent felony offense shall not be eligible for parole.~~

29 (b)(i) ~~Notwithstanding the provisions of Subparagraph (a) of this Paragraph,~~
30 ~~a person, otherwise eligible for parole, convicted of a first felony offense shall be~~
31 ~~eligible for parole consideration upon serving twenty-five percent of the sentence~~
32 ~~imposed. The provisions of this Subparagraph shall not apply to any person who has~~
33 ~~been convicted of a crime of violence as defined in R.S. 14:2(B), has been convicted~~
34 ~~of a sex offense as defined in R.S. 15:541, has been sentenced as a habitual offender~~
35 ~~pursuant to R.S. 15:529.1, or is otherwise ineligible for parole. A person, otherwise~~
36 ~~eligible for parole, whose instant offense is a second conviction of a crime of~~
37 ~~violence as defined in R.S. 14:2(B) or a first or second conviction of a sex offense~~
38 ~~as defined in R.S. 15:541 shall be eligible for parole consideration upon serving~~
39 ~~seventy-five percent of the sentence imposed. A person convicted a third or~~
40 ~~subsequent time of a crime of violence as defined in R.S. 14:2(B) or a third or~~
41 ~~subsequent time of a sex offense as defined in R.S. 15:541 shall not be eligible for~~
42 ~~parole.~~

43 (ii) ~~Notwithstanding the provisions of Subparagraph (b)(i) of this Paragraph,~~
44 ~~a person, otherwise eligible for parole, convicted of a crime of violence as defined~~
45 ~~in R.S. 14:2(B) who does not have a prior felony conviction for a crime of violence~~
46 ~~as defined in R.S. 14:2(B) or a prior felony conviction for a sex offense as defined~~
47 ~~in R.S. 15:541 shall be eligible for parole consideration upon serving sixty-five~~
48 ~~percent of the sentence imposed. The provisions of this Item shall not apply to any~~
49 ~~person convicted of a sex offense as defined in R.S. 15:541.~~

50 (iii) ~~The provisions of this Subparagraph shall be applicable only to persons~~
51 ~~convicted of offenses or revoked on probation or parole on or after November 1,~~
52 ~~2017.~~

53 (ii) ~~Notwithstanding the provisions of Subparagraph (a) of this Paragraph, a~~
54 ~~person, otherwise eligible for parole, convicted of a second felony offense shall be~~
55 ~~eligible for parole consideration upon serving thirty-three and one-third percent of~~
56 ~~the sentence imposed. The current offense shall not be counted as a second or~~
57 ~~subsequent offense if more than ten years have lapsed between the date of the~~
58 ~~commission of the current offense or offenses and the expiration of the person's~~
59 ~~maximum sentence or sentences of the previous conviction or convictions, or~~
60 ~~between the expiration of his maximum sentence or sentences of each preceding~~
61 ~~conviction and the date of the commission of the following offense or offenses. In~~

1 computing the intervals of time, any period of parole, probation, or incarceration by
2 a person in a penal institution, within or without the state shall not be included in the
3 computation of any of the ten-year periods between the expiration of the person's
4 maximum sentence or sentences and the next succeeding offense or offenses. The
5 provisions of this Item shall not apply to any person who has been convicted of a
6 crime of violence as defined in R.S. 14:2(B), has been convicted of a sex offense as
7 defined in R.S. 15:541, has been sentenced as a habitual offender pursuant to R.S.
8 15:529.1, or is otherwise ineligible for parole.

9 (iii) ~~Any person eligible for parole pursuant to the provisions of this
10 Subparagraph shall not be eligible for parole pursuant to the provisions of
11 Subparagraph (a) of this Paragraph.~~

12 (iv) ~~Nothing in this Subparagraph shall prevent a person from reapplying for
13 parole as provided by rules adopted in accordance with the Administrative Procedure
14 Act.~~

15 * * *

16 B.(1) No person shall be eligible for parole consideration who has been
17 convicted of armed robbery and denied parole eligibility under the provisions of R.S.
18 14:64. Except as provided in Paragraph (2) of this Subsection, and except as
19 provided in Paragraph (A)(5) and Subsections D, ~~and E,~~ and F of this Section, no
20 prisoner serving a life sentence shall be eligible for parole consideration until his life
21 sentence has been commuted to a fixed term of years. No prisoner sentenced as a
22 serial sexual offender shall be eligible for parole. No prisoner may be paroled while
23 there is pending against him any indictment or information for any crime suspected
24 of having been committed by him while a prisoner. Notwithstanding any other
25 provisions of law to the contrary, a person convicted of a crime of violence and not
26 otherwise ineligible for parole shall serve at least ~~seventy~~ sixty-five percent of the
27 sentence imposed, before being eligible for parole. The victim or victim's family
28 shall be notified whenever the offender is to be released provided that the victim or
29 victim's family has completed a Louisiana victim notice and registration form as
30 provided in R.S. 46:1841 et seq., or has otherwise provided contact information and
31 has indicated to the Department of Public Safety and Corrections, Crime Victims
32 Services Bureau, that they desire such notification.

33 * * *

34 C.(1)

* * *

35 (2)(a) ~~In~~ Except as provided in R.S. 15:574.2(C)(4), in cases where the
36 offender has been convicted of, or where adjudication has been deferred or withheld
37 for the perpetration or attempted perpetration of a violation of a sex offense as
38 defined in R.S. 15:541 and parole is permitted by law and the offender is otherwise
39 eligible, the committee shall consider reports, assessments, and clinical information,
40 as available, including any testing and recommendations by mental health
41 professionals, as to all of the following:

42 (i) Whether the offender has successfully completed the sex offender
43 program.

44 (ii) Whether, in the expert's opinion, there is a likelihood that the offender
45 will or will not repeat the criminal conduct and that the offender will or will not be
46 a danger to society.

47 (b) ~~The~~ Except as provided in R.S. 15:574.2(C)(4), the committee shall
48 render its decision ordering or denying the release of the prisoner on parole only after
49 considering this clinical evidence where such clinical evidence is available.

50 * * *

51 F. Notwithstanding any provision of law to the contrary, an offender serving
52 a life sentence for second degree murder (R.S. 14:30.1), shall be eligible for parole
53 consideration pursuant to the provisions of this Subsection if all of the following
54 conditions are met:

55 (1) The offender committed the offense after July 2, 1973, and prior to June
56 29, 1979.

57 (2) The offender has served at least forty years of the sentence imposed.

58 (3) The committee on parole has granted parole with a unanimous vote of
59 those present.

60 §574.4.1. Parole consideration and hearings

1 A.(1) The parole hearings shall be conducted in a formal manner in
 2 accordance with the rules formulated by the committee and with the provisions of
 3 this Part. ~~Before~~ Except as provided in R.S. 15:574.2(C)(4), before the parole of any
 4 prisoner is ordered, such prisoner shall appear before and be interviewed by the
 5 committee, except those incarcerated in parish prisons or parish correctional centers,
 6 in which case one committee member may conduct the interview. The committee
 7 may order a reconsideration of the case or a rehearing at any time.

8 * * *

9 §574.6. Parole term; automatic discharge

10 The parole term, when the committee orders ~~a prisoner~~ an offender released
 11 on parole, shall be for the remainder of the ~~prisoner's~~ offender's sentence, ~~without~~
 12 ~~any diminution of sentence for good behavior~~ with credits for compliance with the
 13 terms and conditions of parole supervision pursuant to Code of Criminal Procedure
 14 Article 895.7. When the parolee has completed his full parole term, he shall be
 15 discharged from parole by the Department of Public Safety and Corrections without
 16 order by the committee, provided that:

- 17 (1) No warrant has been issued by the committee for the arrest of the parolee.
- 18 (2) No detainer has been issued by the parole officer for the detention of the
- 19 parolee pending revocation proceedings.
- 20 (3) No indictment or bill of information is pending for any felony the parolee
- 21 is suspected to have committed while on parole.

22 §574.7. Custody and supervision of parolees; modification or suspension of
 23 supervision; violation of conditions of parole; sanctions; alternative
 24 conditions; administrative sanctions

25 * * *

26 B.(1) At the time a defendant is released on parole for a crime of violence as
 27 defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, the committee on
 28 parole may make a determination as to whether a defendant is eligible for the
 29 imposition of administrative sanctions as provided for in this Section. If authorized
 30 to do so by the committee, each time a parolee violates a condition of parole, a parole
 31 officer may use administrative sanctions to address a technical violation committed
 32 by a parolee when all of the following occur:

33 * * *

34 C. (1) Each time a parolee on parole for a crime other than a crime of
 35 violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541
 36 violates a condition of parole, a parole officer is authorized to use administrative
 37 sanctions to address a technical violation committed by a parolee when all of the
 38 following occur:

39 (a) The parolee, after receiving written notification of his right to a hearing
 40 before a court and right to counsel, provides a written waiver of a parole violation
 41 hearing.

42 (b) The parolee admits to the violation or affirmatively chooses not to contest
 43 the violation alleged in the parole violation report.

44 (c) The parolee consents to the imposition of administrative sanctions by the
 45 Department of Public Safety and Corrections.

46 (2) The department shall promulgate rules to implement the provisions of this
 47 Subsection to establish the following:

48 (a) A system of structured, administrative sanctions which shall be imposed
 49 for technical violations of parole and which shall take into consideration the
 50 following factors:

- 51 (i) The severity of the violation behavior.
- 52 (ii) The prior violation history.
- 53 (iii) The severity of the underlying criminal conviction.
- 54 (iv) The criminal history of the parolee.
- 55 (v) Any special circumstances, characteristics, or resources of the parolee.
- 56 (vi) Protection of the community.
- 57 (vii) Deterrence.
- 58 (viii) The availability of appropriate local sanctions, including but not limited
 59 to jail, treatment, community service work, house arrest, electronic surveillance,
 60 restitution centers, work release centers, day reporting centers, or other local
 61 sanctions.

1 (ix) Incarceration shall not be used for first or second lowest-level violations,
 2 including but not limited to first positive drug test; association with known felons or
 3 persons involved in criminal activity; changing residence without permission; failure
 4 to initially report as required; failure to pay restitution up to three months; failure to
 5 report as instructed; travel without permission; and unemployment and failure to
 6 seek employment within ninety days.

7 (x) Incarceration shall not be used for first or second violations of alcohol use
 8 or admission, except for defendants convicted of operating a vehicle while
 9 intoxicated pursuant to R.S. 14:98; defendants convicted of domestic abuse battery
 10 pursuant to R.S. 14:35.3 committed by one family member, household member, or
 11 dating partner against another; or defendants convicted of violation of a protective
 12 order pursuant to R.S. 14:79 committed by one family member, household member,
 13 or dating partner against another.

14 (b) Procedures to provide a parolee with written notice of the right to a parole
 15 violation hearing to determine whether the parolee violated the conditions of parole
 16 alleged in the violation report and the right to be represented by counsel at state
 17 expense at that hearing if financially eligible.

18 (c) Procedures for a parolee to provide written waiver of the right to a parole
 19 violation hearing, to admit to the violation or affirmatively choose not to contest the
 20 violation alleged in the parole violation report, and to consent to the imposition of
 21 administrative sanctions by the department.

22 (d) The level and type of sanctions that may be imposed by parole officers
 23 and other supervisory personnel.

24 (e) The level and type of violation behavior that warrants a recommendation
 25 to the board that parole be revoked.

26 (f) Procedures notifying the parolee and the committee on parole of a
 27 violation admitted by the parolee and the administrative sanctions imposed.

28 (g) Such other policies and procedures as are necessary to implement the
 29 provisions of this Subsection and to provide adequate parole supervision.

30 (3) If the administrative sanction imposed pursuant to the provisions of this
 31 Subsection is jail confinement, the confinement shall not exceed ten days per
 32 violation and shall not exceed a total of sixty days per year.

33 (4) For purposes of this Subsection, "technical violation" means any violation
 34 of a condition of parole, that does not include any of the following:

35 (a) A new felony conviction.

36 (b) A conviction for an intentional misdemeanor directly affecting the person.

37 (c) An allegation of a subsequent criminal act that if proven would be a crime
 38 of violence as defined in R.S. 14:2(B).

39 (d) An allegation of a subsequent criminal act that if proven would be a sex
 40 offense as defined in R.S. 15:541.

41 (e) An allegation of domestic abuse battery pursuant to R.S. 14:35.3
 42 committed by one family member, household member, or dating partner against
 43 another.

44 (f) An allegation of violation of protective order pursuant to R.S. 14:79
 45 committed by one family member, household member, or dating partner against
 46 another.

47 D.(1) If the chief probation and parole officer, upon recommendation by a
 48 parole officer, has reasonable cause to believe that a parolee has violated the
 49 conditions of parole, he shall notify the committee, and shall cause the appropriate
 50 parole officer to submit the parolee's record to the committee. After consideration of
 51 the record submitted, and after such further investigation as it may deem necessary,
 52 the committee may order:

53 (a) The issuance of a reprimand and warning to the parolee.

54 (b) That the parolee be required to conform to one or more additional
 55 conditions of parole which may be imposed in accordance with R.S. 15:574.4.

56 (c) That the parolee be arrested, and upon arrest be given a prerevocation
 57 hearing within a reasonable time, at or reasonably near the place of the alleged parole
 58 violation or arrest, to determine whether there is probable cause to detain the parolee
 59 pending orders of the parole committee.

60 (2) Upon receiving a summary of the prerevocation proceeding, the
 61 committee may order the following:

1 (a) The parolee's return to the physical custody of the Department of Public
2 Safety and Corrections, corrections services, to await a hearing to determine whether
3 his parole should be revoked.

4 (b) As an alternative to revocation, that the parolee, as a condition of parole,
5 be committed to a community rehabilitation center or a substance abuse treatment
6 program operated by, or under contract with, the department, for a period of time not
7 to exceed six months, without benefit of good time, provided that such commitment
8 does not extend the period of parole beyond the full parole term. Upon written
9 request of the department that the offender be removed for violations of the rules or
10 regulations of the community rehabilitation center or substance abuse program, the
11 committee shall order that the parole be revoked, with credit for time served in the
12 community rehabilitation center.

13 * * *

14 §574.9. Revocation of parole for violation of condition; committee panels; return to
15 custody hearing; duration of reimprisonment and reparole after
16 revocation; credit for time served; revocation for a technical violation

17 * * *

18 D. When a detainer is issued by the parole officer for an allegation of the
19 commission of another crime, it is enforceable until bond is set by the judge for the
20 new crime. When the bond is set, the detainer shall expire and the parolee may be
21 released upon posting of the bond.

22 ~~D~~E. Parole revocation shall require two votes of a three-member panel of
23 parole committee members or, if the number of members present exceeds a three-
24 member panel, a majority vote of those members present and voting, and the order
25 of revocation shall be reduced to writing and preserved.

26 EF. When the parole of a parolee has been revoked by the committee for
27 violation of the conditions of parole, the parolee shall be returned to the physical
28 custody of the Department of Public Safety and Corrections, corrections services,
29 and serve the remainder of his sentence as of the date of his release on parole, and
30 any credit for time served for good behavior while on parole. The parolee shall be
31 given credit for time served prior to the revocation hearing for time served in actual
32 custody while being held for a parole violation in a local detention facility, state
33 institution, or out-of-state institution pursuant to Code of Criminal Procedure Article
34 880.

35 FG. Any such prisoner whose parole has been revoked may be considered by
36 the committee for reparole in accordance with the provisions of this Part.

37 ~~G~~H.(1)(a)(i) ~~Except as provided in Subparagraph (b) of this Paragraph, any~~
38 Any offender who has been released on parole and whose parole supervision is being
39 revoked pursuant to the provisions of this Subsection for a technical violation of the
40 conditions of parole as determined by the committee on parole, shall be required to
41 serve the following sentences:

42 ~~(aa)(i) For the first technical violation, the offender shall serve not more than~~
43 ninety fifteen days.

44 ~~(bb)(ii) For a second technical violation, the offender shall serve not more~~
45 than one hundred twenty thirty days.

46 ~~(cc)(iii) For a third or subsequent technical violation, the offender shall serve~~
47 not more than one hundred eighty forty-five days.

48 ~~(ii)(b) The sentences imposed pursuant to Item (i) of this Subparagraph (a)~~
49 of this Paragraph shall be served without diminution of sentence or credit for time
50 served prior to the revocation for a technical violation. The term of the revocation
51 for the technical violation shall begin on the date the committee on parole orders the
52 revocation. Upon completion of the imposed technical revocation sentence, the
53 offender shall return to active parole supervision for the remainder of the original
54 term of supervision.

55 (c) If the offender completes ninety days of committee-recommended
56 substance abuse treatment, he shall receive ninety days of credit toward his term of
57 parole.

58 (d) The offender shall be given credit toward service of his sentence for time
59 spent in actual custody prior to the revocation hearing while being held for a
60 technical violation in a local detention facility, state institution, or out-of-state
61 institution.

1 ~~(b)(e)~~ The provisions of Subparagraph (a) of this Paragraph shall not apply
 2 to the following offenders:

3 (i) Any offender released on parole for the conviction of a crime of violence
 4 as defined in R.S. 14:2(B).

5 (ii) Any offender released on parole for the conviction of a sex offense as
 6 defined in R.S. 15:541.

7 (iii) Any offender released on parole who is subject to the sex offender
 8 registration and notification requirements of R.S. 15:541 et seq.

9 (2) A "technical violation", as used in this Subsection, means any violation
 10 except a new felony conviction. ~~it shall not include any of the following:~~

11 ~~(a) Being arrested, charged, or convicted of any of the following:~~

12 ~~(i) A felony.~~

13 ~~(ii) Repealed by Acts 2010, No. 510, §1, eff. Aug. 15, 2010.~~

14 ~~(iii) Any intentional misdemeanor directly affecting the person.~~

15 ~~(iv) At the discretion of the committee on parole, any attempt to commit any
 16 intentional misdemeanor directly affecting the person.~~

17 ~~(v) At the discretion of the committee on parole, any attempt to commit any
 18 other misdemeanor.~~

19 ~~(b) Being in possession of a firearm or other prohibited weapon.~~

20 ~~(c) Failing to appear at any court hearing.~~

21 ~~(d) Absconding from the jurisdiction of the committee on parole.~~

22 * * *

23 §574.20. Medical parole program; eligibility; revocation

24 ~~A.(1) Notwithstanding the provisions of this Part or any other law to the
 25 contrary, any person sentenced to the custody of the Department of Public Safety and
 26 Corrections may, upon referral by the department, be considered for medical parole
 27 by the committee on parole. Medical parole consideration shall be in addition to any
 28 other parole for which an inmate may be eligible, but shall not be available to any
 29 inmate who is awaiting execution~~ Notwithstanding the provisions of this Part or any
 30 other law to the contrary, any offender sentenced to the custody of the Department
 31 of Public Safety and Corrections may, upon referral by the department, be considered
 32 for medical parole or medical treatment furlough by the committee on parole.
 33 Consideration for parole or furlough under this Section shall be in addition to any
 34 other parole for which an offender may be eligible.

35 ~~(2) Medical parole shall not be available to any inmate serving time for the
 36 violation of R.S. 14:30, first degree murder; or R.S. 14:30.1, second degree murder.~~

37 B. Medical Parole

38 (1) The committee on parole shall establish the medical parole program to be
 39 administered by the Department of Public Safety and Corrections. An inmate
 40 offender eligible for consideration for release under the program shall be any person
 41 offender who, because of an existing medical or physical condition, is determined
 42 by the department to be within one of the following designations:

43 ~~(1)(a) "Permanently disabled inmate offender"~~ means any person offender
 44 who is unable to engage in any substantial gainful activity by reason of any
 45 medically determinable physical impairment which can be expected to result in death
 46 or which is or can be expected to be permanently irreversible.

47 ~~(2)(b) "Terminally ill inmate offender"~~ means any inmate offender who,
 48 because of an existing medical condition, is irreversibly terminally ill. For the
 49 purposes of this Section, "terminally ill" is defined as having a life expectancy of less
 50 than one year due to an underlying medical condition.

51 (2) Medical parole shall not be available to any offender serving a sentence
 52 for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S.
 53 14:30.1) or awaiting execution.

54 C. Medical Treatment Furlough

55 (1) The committee on parole shall establish the medical treatment furlough
 56 program to be administered by the department for the purpose of utilizing off-site
 57 medical facilities for an eligible offender's medical treatment. Medical treatment
 58 furlough shall not be available to any offender who is awaiting execution.

59 (2)(a) An offender eligible for consideration for release under the medical
 60 treatment furlough program shall be any offender who is ineligible for release on

1 medical parole pursuant to Subsection B of this Section and is determined by the
2 department to be to a limited mobility offender.

3 (b) For the purposes of this Section, "limited mobility offender" means any
4 offender who is unable to perform activities of daily living without help or is
5 confined to a bed or chair, including but not limited to prolonged coma and medical
6 ventilation.

7 (3) Notwithstanding any provision of law to the contrary, the committee on
8 parole may authorize the release of an eligible offender on medical treatment
9 furlough when all of the following conditions are met:

10 (a) Placement in an acute care hospital, nursing home, or other appropriate
11 medical facility able to meet the offender's medical and treatment needs is secured.

12 (b) All monitoring, security, and supervision requirements that the committee
13 deems necessary are secured by the division of probation and parole.

14 (c) The committee determines that the offender does not present a substantial
15 flight risk.

16 D. No inmate offender shall be recommended for medical parole or medical
17 treatment furlough pursuant to this Section by the department until full consideration
18 has been given to the inmate's offender's crime and criminal history, length of time
19 served in custody, institutional conduct, an indication that the inmate offender
20 represents a low risk to himself or society, and a medical assessment of the inmate's
21 offender's condition. In the assessment of risk, emphasis shall be given to the
22 inmate's offender's medical condition and how this relates to his overall risk to
23 society.

24 DE. The authority to grant medical parole or medical treatment furlough
25 pursuant to this Section shall rest solely with the committee on parole, and the
26 committee shall establish additional conditions of the parole or medical treatment
27 furlough in accordance with the provisions of this Subpart. The Department of Public
28 Safety and Corrections shall identify those inmates offenders who may be eligible
29 for medical parole or medical treatment furlough based upon available medical
30 information. In considering an inmate offender for medical parole or medical
31 treatment furlough, the committee may require that additional medical evidence be
32 produced or that additional medical examinations be conducted. The committee on
33 parole shall determine the risk to public safety and shall grant medical parole or
34 medical treatment furlough only after determining that the inmate offender does not
35 pose a threat to public safety.

36 EF. The parole term of an inmate offender released on medical parole or
37 medical treatment furlough shall be for the remainder of the inmate's offender's
38 sentence, without diminution of sentence for good behavior. Supervision of the
39 parolee offender shall consist of periodic medical evaluations at intervals to be
40 determined by the committee at the time of release.

41 FG. If it is discovered through the supervision of the medical parolee or
42 medical treatment furlougher that his condition has improved such that he would not
43 then be eligible for medical parole or medical treatment furlough under the
44 provisions of this Subpart, the committee may order that the person offender be
45 returned to the custody of the Department of Public Safety and Corrections to await
46 a hearing to determine whether his parole or medical treatment furlough shall be
47 revoked. Any person offender whose medical parole or medical treatment furlough
48 is revoked due to an improvement in his condition shall resume serving the balance
49 of his sentence with credit given for the duration of the medical parole or medical
50 treatment furlough. If the person's offender's medical parole or medical treatment
51 furlough is revoked due to an improvement in his condition, and he would be
52 otherwise eligible for parole, he may then be considered for parole under the
53 provisions of R.S. 15:574.4. Medical parole and medical treatment furlough may also
54 be revoked for violation of any condition of the parole as established by the
55 committee on parole.

56 GH. The committee on parole shall promulgate such rules as are necessary
57 to effectuate this Subpart, including rules relative to the conduct of medical parole
58 and medical treatment furlough hearings, and the conditions of medical parole and
59 medical treatment furlough release.

60 * * *

61 §827. Duties of Department of Public Safety and Corrections

1 A. In addition to other duties imposed upon the department it shall be the
2 duty of the department to:

3 * * *

4 (7) Establish a procedure that provides for each offender who is sentenced to
5 one hundred eighty days or more in the custody of the Department of Public Safety
6 and Corrections, a written case plan that is based on the results of an assessment of
7 the offender's risk and needs and includes participation in programming that
8 addresses the needs identified in that assessment. For offenders eligible for
9 administrative parole pursuant to R.S. 15:574.2(C)(4), the department shall notify
10 the committee in writing of an offender's compliance or noncompliance with the case
11 plan not less than sixty days before an offender's administrative parole release date.
12 The provisions of this Paragraph shall be implemented to the extent that funds are
13 appropriated for this purpose and to the extent that it is consistent with the available
14 resources.

15 * * *

16 §828. Classification and treatment programs; qualified sex offender programs;
17 reports; earned credits

18 * * *

19 B. The secretary shall adopt rules and regulations for local jail facilities and
20 state correctional institutions to encourage voluntary participation by ~~inmates~~
21 offenders in certified treatment and rehabilitation programs, including but not limited
22 to basic education, job skills training, values development and faith-based initiatives,
23 therapeutic programs, and treatment programs. When funds are provided, such
24 educational programs shall be available at each penal or correctional institution
25 under the jurisdiction of the department. The rules and regulations may include
26 provisions for furloughs or the awarding of earned credits toward the reduction of
27 the projected good time parole supervision date. Offenders may be awarded up to
28 ~~ninety days toward the reduction of the projected good time parole supervision date~~
29 ~~for satisfactory participation in each approved program pursuant to the provisions of~~
30 ~~this Subsection, but no offender shall receive more than three hundred sixty days~~
31 ~~total earned credits toward the reduction of the projected good time parole~~
32 ~~supervision date for program participation.~~

33 C. Notwithstanding any other provision of law to the contrary, any offender
34 in the custody of the Department of Public Safety and Corrections who has been
35 sentenced as an habitual offender pursuant to the provisions of R.S. 15:529.1 may
36 earn additional good time for participation in certified treatment and rehabilitation
37 programs as provided for in Subsection B of this Section, unless the ~~offender was~~
38 ~~convicted of a sex offense as defined by R.S. 15:541 or a crime of violence as~~
39 ~~defined by R.S. 14:2(B). offender's instant offense is one of the following:~~

40 (1) A sex offense as defined in R.S. 15:541.

41 (2) A crime of violence as defined in R.S. 14:2(B) and the offender has two
42 or more prior convictions of a crime of violence as defined in R.S. 14:2(B) or a sex
43 offense as defined in R.S. 15:541.

44 D. Offenders who are otherwise eligible under this Section who are
45 participating in the workforce development work release program pursuant to R.S.
46 15:1199.9, shall be eligible to earn an additional one hundred eighty days of credit
47 towards the reduction of the projected good time parole supervision date.

48 Section 4. Code of Criminal Procedure Article 900(A)(7) is hereby repealed in its
49 entirety.

50 Section 5. This Act shall become effective on November 1, 2017; if vetoed by the
51 governor and subsequently approved by the legislature, this Act shall become effective on
52 November 1, 2017, or on the day following such approval by the legislature, whichever is
53 later."