SLS 18RS-323 **ORIGINAL**

2018 Regular Session

SENATE BILL NO. 269

BY SENATOR CARTER

1

CRIME/PUNISHMENT. Provides relative to parole eligibility for certain prisoners sentenced to life who have served at least thirty years. (11/1/18)

AN ACT

2	To amend and reenact R.S. $15:574.4(A)(2)$, $(B)(1)$, and the introductory paragraph of $(B)(2)$,
3	and to enact R.S. 15:574.4(B)(3), relative to parole eligibility; to provide parole
4	eligibility for persons serving life sentences for certain offenses upon reaching the
5	age of fifty years, serving thirty years in prison, and meeting certain requirements;
6	and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 15:574.4(A)(2), (B)(1), and the introductory paragraph of (B)(2) are
9	hereby amended and reenacted and R.S. 15:574.4(B)(3) is hereby enacted to read as follows:
10	§574.4. Parole; eligibility; juvenile offenders
11	A.(1) * * *
12	(2) Notwithstanding the provisions of Paragraph (1) of this Subsection or any
13	other law to the contrary, unless eligible for parole at an earlier date, a person
14	committed to the Department of Public Safety and Corrections for a term or terms
15	of imprisonment with or without benefit of parole for thirty years or more shall be
16	eligible for parole consideration upon serving at least twenty years of the term or
17	terms of imprisonment in actual custody and upon reaching the age of forty-five.

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This provision shall not apply to a person serving a life sentence unless the sentence has been commuted to a fixed term of years. The provisions of this Paragraph shall not apply to any person who has been convicted under the provisions of R.S. 14:64. The provisions of this Paragraph shall not apply to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541.

* * *

B.(1)(a) No person shall be eligible for parole consideration who has been convicted of armed robbery and denied parole eligibility under the provisions of R.S. 14:64.

- (b) Except as provided in Paragraph (2) of this Subsection, and except as provided in Paragraph (A)(5) of this Section, Paragraphs (2) and (3) of this Subsection, and Subsections D, E, and H of this Section, no prisoner serving a life sentence shall be eligible for parole consideration until his life sentence has been commuted to a fixed term of years.
- (c) No prisoner sentenced as a serial sexual offender shall be eligible for parole.
- (d) No prisoner may be paroled while there is pending against him any indictment or information for any crime suspected of having been committed by him while a prisoner.
- (e) Notwithstanding any other provisions of law to the contrary, a person convicted of a crime of violence and not otherwise ineligible for parole shall serve at least sixty-five percent of the sentence imposed, before being eligible for parole. The victim or victim's family shall be notified whenever the offender is to be released provided that the victim or victim's family has completed a Louisiana victim notice and registration form as provided in R.S. 46:1841 et seq., or has otherwise provided contact information and has indicated to the Department of Public Safety and Corrections, Crime Victims Services Bureau, that they desire such notification.

(2) Notwithstanding Except as provided in Paragraph (3) of this

1	Subsection, and notwithstanding any provision of law to the contrary, any person
2	serving a life sentence, with or without the benefit of parole, who has not been
3	convicted of a crime of violence as defined by R.S. 14:2(B), a sex offense as defined
4	by R.S. 15:541, or an offense, regardless of the date of conviction, which would
5	constitute a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined
6	by R.S. 15:541, shall be eligible for parole consideration as follows:
7	* * *
8	(3) Notwithstanding Paragraph (2) of this Subsection or any other
9	provision of law to the contrary, any person serving a life sentence, with or
10	without benefit of parole, who has not been convicted of first degree murder
11	and who has reached the age of fifty years, shall be eligible for parole
12	consideration as follows:
13	(a) The person has served at least thirty years of the sentence imposed.
14	(b) The person has obtained a low risk level designation determined by
15	a validated risk assessment instrument approved by the secretary of the
16	Department of Public Safety and Corrections.
17	(c) The person has not committed any major disciplinary offenses in the
18	twelve consecutive months prior to the parole hearing date. A major
19	disciplinary offense is an offense identified as a Schedule B offense by the
20	Department of Public Safety and Corrections in the Disciplinary Rules and
21	Procedures for Adult Offenders.
22	(d) The person has completed the mandatory minimum of one hundred
23	hours of pre-release programming in accordance with the provisions of R.S.
24	15:827.1, if such programming is available at the facility where the offender is
25	incarcerated.
26	(e) The person has completed substance abuse treatment, if applicable,
27	and such treatment is available at the facility where the offender is
28	incarcerated.
29	(f) The person has obtained a GED credential, unless the prisoner has

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as being incapable of obtaining a GED credential due to a learning disability or because such programming is not available. If the prisoner is deemed incapable of obtaining a GED credential, the person shall complete at least one of the following: a literacy program, an adult basic education program, or a job skills training program.

7 * * *

Section 2. This Act shall become effective on November 1, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on November 1, 2018, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST 2018 Regular Session

Carter

SB 269 Original

<u>Present law</u> provides that, subject to certain exceptions and notwithstanding other provisions of <u>present law</u>, unless eligible for parole at an earlier date, a person committed to the Dept. of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole for 30 years or more is eligible for parole consideration upon serving at least 20 years of the term or terms of imprisonment in actual custody and upon reaching the age of 45 years. <u>Present law</u> further provides that <u>present law</u> does not apply to a person serving a life sentence unless the sentence has been commuted to a fixed term of years.

Proposed law retains present law.

<u>Present law</u> provides that <u>present law</u> does not apply to any person who has been convicted of armed robbery under <u>present law</u>.

Proposed law retains present law.

<u>Present law</u> provides that the provisions of <u>present law</u> do not apply to any person who has been convicted of a crime of violence or a sex offense as defined by present law.

Proposed law deletes present law.

<u>Present law</u> provides additional requirements for parole eligibility for certain persons under certain circumstances. <u>Present law</u> further provides exceptions to <u>present law</u> parole eligibility under certain circumstances.

<u>Proposed law</u> retains <u>present law</u> except to add that, notwithstanding any other provision of <u>present law</u>, any person serving a life sentence, with or without benefit of parole, who has not been convicted of first degree murder and who has reached the age of 50 years, is eligible for parole consideration if:

- (1) The person has served at least 30 years of the sentence imposed.
- (2) The person has obtained a low risk level designation determined by a validated risk assessment instrument approved by the secretary of the Dept. of Public Safety and Corrections.
- (3) The person has not committed any major disciplinary offenses in the 12 consecutive months prior to the parole hearing date. A "major disciplinary offense" is an offense identified as a Schedule B offense by the Dept. of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.
- (4) The person has completed the mandatory minimum of 100 hours of pre-release programming in accordance with <u>present law</u>, if such programming is available at the facility where the offender is incarcerated.
- (5) The person has completed substance abuse treatment, if applicable, and such treatment is available at the facility where the offender is incarcerated.
- (6) The person has obtained a GED credential, unless the prisoner has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability or because such programming is not available. If the prisoner is deemed incapable of obtaining a GED credential, the person must complete at least one of the following:
 - (a) A literacy program.
 - (b) An adult basic education program.
 - (c) A job skills training program.

Effective November 1, 2018.

(Amends R.S. 15:574.4(A)(2), (B)(1), and (B)(2)(intro para); adds R.S. 15:574.4(B)(3))