

2018 Regular Session

SENATE BILL NO. 269

BY SENATOR CARTER

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

1 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.

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

7 * * *

8 B.(1)**(a)** No person shall be eligible for parole consideration who has been
 9 convicted of armed robbery and denied parole eligibility under the provisions of R.S.
 10 14:64.

11 **(b)** ~~Except as provided in Paragraph (2) of this Subsection, and except as~~
 12 ~~provided in Paragraph (A)(5) of this Section, Paragraphs (2) and (3) of this~~
 13 **Subsection**, and Subsections D, E, and H of this Section, no prisoner serving a life
 14 sentence shall be eligible for parole consideration until his life sentence has been
 15 commuted to a fixed term of years.

16 **(c)** No prisoner sentenced as a serial sexual offender shall be eligible for
 17 parole.

18 **(d)** No prisoner may be paroled while there is pending against him any
 19 indictment or information for any crime suspected of having been committed by him
 20 while a prisoner.

21 **(e)** Notwithstanding any other provisions of law to the contrary, a person
 22 convicted of a crime of violence and not otherwise ineligible for parole shall serve
 23 at least sixty-five percent of the sentence imposed, before being eligible for parole.
 24 The victim or victim's family shall be notified whenever the offender is to be
 25 released provided that the victim or victim's family has completed a Louisiana victim
 26 notice and registration form as provided in R.S. 46:1841 et seq., or has otherwise
 27 provided contact information and has indicated to the Department of Public Safety
 28 and Corrections, Crime Victims Services Bureau, that they desire such notification.

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

- (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 present law, 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))