

2018 Regular Session

HOUSE BILL NO. 631

BY REPRESENTATIVE HUNTER

PARDON/PAROLE: Provides that a recommendation for clemency by the Board of Pardons does not expire upon the expiration of a governor's term in office

1 AN ACT

2 To enact R.S. 15:572.4(E), relative to pardons; to provide relative to recommendations for
3 clemency issued by the board; to provide relative to the expiration of a
4 recommendation upon the expiration of a governor's term in office; to provide
5 relative to the application of rules relative to the time within which a re-application
6 shall be filed; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:572.4(E) is hereby enacted to read as follows:

9 §572.4. Board of Pardons; rules, regulations, and procedures; notice; restrictions on
10 applications; time periods for additional review

11 * * *

12 E.(1) Subject to the provisions in Paragraph (2) of this Subsection, when no
13 action is taken by the governor on a recommendation for clemency issued by the
14 board, the recommendation shall not expire upon the expiration of the governor's
15 term in office and may be reviewed by the next governor to take office.

16 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the
17 person seeking clemency shall still be required to comply with any rules adopted by
18 the board pursuant to the Administrative Procedure Act providing for the time period
19 within which an applicant shall reapply upon notification that no action was taken
20 by the governor.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 631 Original

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Hunter

Abstract: Provides that when no action is taken by the governor, a recommendation for clemency issued by the board shall not expire upon the expiration of the governor's term in office.

Present constitution (La. Const. Art XII, §5(E)) and present law (R.S. 15:572) provide that the governor may grant reprieves to persons convicted of offenses against the state and, upon recommendation of the Board of Pardons, may commute sentences, pardon those convicted of offenses against the state, and remit fines and forfeitures imposed for such offenses.

Present rules (LAC 22:V.205(D)(5)) adopted by the Board of Pardons provide that the board shall notify an applicant after its receipt of notification from the governor that the board's favorable recommendation for clemency was denied or no action was taken. The rules further provide that if the applicant is notified that no action was taken by the governor, the applicant may request reconsideration of the board's favorable recommendation. The applicant must submit a re-application within one year from the date on the board's notification to the applicant of no action taken by the governor.

Proposed law retains present constitution, law, and rules and provides that when no action is taken by the governor on a recommendation for clemency issued by the board, the recommendation shall not expire upon the expiration of the governor's term in office and may be reviewed by the next governor to take office. However, the person seeking clemency shall still be required to comply with any rules adopted by the board providing for the time period within which an applicant shall reapply upon notification that no action was taken by the governor.

(R.S. 15:572.4(E))