

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. 14:64(B) and R.S. 15:574.4(A)(2), (B)(1), and the introductory
3 paragraph of (B)(2), and to enact R.S. 15:574.4(B)(3), relative to parole eligibility;
4 to provide parole eligibility for persons serving life sentences for certain offenses
5 upon reaching the age of fifty years, serving thirty years in prison, and meeting
6 certain requirements; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:64(B) is hereby amended and reenacted to read as follows:

9 §64. Armed robbery

10 * * *

11 B. Whoever commits the crime of armed robbery shall be imprisoned at hard
12 labor for not less than ten years and for not more than ninety-nine years, without
13 benefit of ~~parole~~, probation, or suspension of sentence.

14 Section 2. R.S. 15:574.4(A)(2), (B)(1), and the introductory paragraph of (B)(2) are
15 hereby amended and reenacted and R.S. 15:574.4(B)(3) is hereby enacted to read as follows:

16 §574.4. Parole; eligibility; juvenile offenders

17 A.(1) * * *

1 released provided that the victim or victim's family has completed a Louisiana victim
2 notice and registration form as provided in R.S. 46:1841 et seq., or has otherwise
3 provided contact information and has indicated to the Department of Public Safety
4 and Corrections, Crime Victims Services Bureau, that they desire such notification.

5 (2) ~~Notwithstanding~~ **Except as provided in Paragraph (3) of this**
6 **Subsection, and notwithstanding** any provision of law to the contrary, any person
7 serving a life sentence, with or without the benefit of parole, who has not been
8 convicted of a crime of violence as defined by R.S. 14:2(B), a sex offense as defined
9 by R.S. 15:541, or an offense, regardless of the date of conviction, which would
10 constitute a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined
11 by R.S. 15:541, shall be eligible for parole consideration as follows:

12 * * *

13 **(3) Notwithstanding Paragraph (2) of this Subsection or any other**
14 **provision of law to the contrary, any person serving a life sentence, with or**
15 **without benefit of parole, who has not been convicted of first degree murder,**
16 **second degree murder, or first degree rape and who has reached the age of fifty**
17 **years, shall be eligible for parole consideration as follows:**

18 **(a) The person has served at least thirty years of the sentence imposed.**

19 **(b) The person has obtained a low risk level designation determined by**
20 **a validated risk assessment instrument approved by the secretary of the**
21 **Department of Public Safety and Corrections.**

22 **(c) The person has not committed any major disciplinary offenses in the**
23 **twelve consecutive months prior to the parole hearing date. A major**
24 **disciplinary offense is an offense identified as a Schedule B offense by the**
25 **Department of Public Safety and Corrections in the Disciplinary Rules and**
26 **Procedures for Adult Offenders.**

27 **(d) The person has completed the mandatory minimum of one hundred**
28 **hours of pre-release programming in accordance with the provisions of R.S.**
29 **15:827.1, if such programming is available at the facility where the offender is**

1 **incarcerated.**

2 **(e) The person has completed substance abuse treatment, if applicable,**
 3 **and such treatment is available at the facility where the offender is**
 4 **incarcerated.**

5 **(f) The person has obtained a GED credential, unless the prisoner has**
 6 **previously obtained a high school diploma or is deemed by a certified educator**
 7 **as being incapable of obtaining a GED credential due to a learning disability or**
 8 **because such programming is not available. If the prisoner is deemed incapable**
 9 **of obtaining a GED credential, the person shall complete at least one of the**
 10 **following: a literacy program, an adult basic education program, or a job skills**
 11 **training program.**

12 Section 3. This Act shall become effective on November 1, 2018.

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ashley Menou.

DIGEST

SB 269 Engrossed

2018 Regular Session

Carter

Present law provides that whoever commits the crime of armed robbery shall be imprisoned at hard labor for not less than ten years and for not more than 99 years, without the benefit of parole, probation, or suspension of sentence.

Proposed law provides that a person convicted of armed robbery may be eligible for parole and otherwise retains present law.

Present law provides that, subject to certain exceptions and notwithstanding other provisions of present law, 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. Present law further provides that present law 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.

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

Proposed law deletes present law.

Present law provides that the provisions of present law 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.

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

Proposed law retains present law except to add that, notwithstanding any other provision of present law, any person serving a life sentence, with or without benefit of parole, who has not been convicted of first degree murder, second degree murder, or first degree rape 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 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. 14:64(B) and R.S. 15:574.4(A)(2), (B)(1), and (B)(2)(intro para); adds R.S. 15:574.4(B)(3))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Removes the prohibition of parole eligibility from the present law penalty provisions for the crime of armed robbery.
2. Removes the prohibition of parole eligibility for persons convicted of armed robbery and denied parole eligibility.
3. Adds exclusion for persons convicted of second degree murder and first degree rape from parole eligibility under the provisions of proposed law.