

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 require the
5 Board of Pardons to adopt rules relative to applications on which no action is taken
6 by the governor; 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) When no action is taken by the governor on a recommendation for
13 clemency issued by the board, the person seeking clemency shall not be required to
14 reapply to the board and the recommendation shall not expire upon the expiration of
15 the governor's term in office and may be reviewed by the next governor to take
16 office.

17 (2) The board shall adopt rules pursuant to the Administrative Procedure Act
18 to provide for the provisions of this Subsection, but the rules shall not require the
19 person seeking clemency to reapply when no action is taken by the governor on the
20 board's recommendation that the person receive clemency.

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 Reengrossed

2018 Regular Session

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 and the person seeking clemency shall not be required to reapply.

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 and present law and provides that when no action is taken by the governor on a recommendation for clemency issued by the board, the person seeking clemency shall not be required to reapply to the board and 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.

In addition, proposed law requires the board to adopt rules pursuant to the Administrative Procedure Act to provide for the provisions of proposed law, but the rules shall not require the person seeking clemency to reapply when no action is taken by the governor on the board's recommendation that the person receive clemency.

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

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add that the person seeking clemency shall not be required to reapply to the Board of Pardons when no action is taken by the governor on the board's recommendation that the person receive clemency.
2. Remove the provision which required the person seeking clemency to comply with any rules adopted by the board providing for the time period within which an applicant may reapply upon notification that no action was taken by the governor.
3. Add that the board shall adopt rules to provide for the provisions of proposed law, but provides that the rules shall not require the person seeking clemency to reapply when no action is taken by the governor on the board's recommendation.