
HOUSE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to
Original House Bill No. 149 by Representative MarinoAMENDMENT NO. 1

On page 1, line 2, change "R.S. 15:571.5(B)(2)," to "R.S. 15:529.2(A), 571.5(B)(2),"

AMENDMENT NO. 2On page 1, line 3, after "(D)(1)," and before "574.9(H)(1)(a)(introductory paragraph)" insert
"574.4.3(B), 574.4.4,"AMENDMENT NO. 3On page 1, line 4, change "1111(I)(1)," to "1111(I)(1) and Code of Criminal Procedure
Article 901.1,"AMENDMENT NO. 4On page 1, line 12, after "date;" and before "to" insert "to repeal provisions relative to
intensive parole supervision;"AMENDMENT NO. 5

On page 2, line 18, change "R.S. 15:571.5(B)(2)," to "R.S. 15:529.2(A), 571.5(B)(2),"

AMENDMENT NO. 6On page 2, line 19, after "(D)(1)," and before "574.9(H)(1)(a)(introductory paragraph)"
insert "574.4.3(B), 574.4.4,"AMENDMENT NO. 7

On page 2, between lines 21 and 22, insert the following:

"§529.2. Intensive parole supervision for certain habitual offenders
 A. Notwithstanding any other provisions of law to the contrary, the
 secretary of the Department of Public Safety and Corrections may release to
 intensive parole supervision ~~as provided in R.S. 15:574.4.4~~ any person
 sentenced pursuant to R.S. 15:529.1 and denied eligibility for diminution of
 sentence when the offender meets the requirements of this Section and of any
 rules or regulations adopted by the secretary in accordance with the
 provisions of this Section.

* * *

AMENDMENT NO. 8

On page 4, between lines 18 and 19, insert the following:

"§574.4.3. Parole requirements for certain sex offenders

* * *

B. If a person who is otherwise eligible for intensive ~~parole~~
~~supervision~~ incarceration pursuant to R.S. 15:574.4.4, has been convicted of
 one of the sexual offenses enumerated in this Section and the intensive ~~parole~~

1 supervision incarceration program is applicable to any of those enumerated
 2 crimes, then the provisions of this Section shall apply.

3 * * *

4 §574.4.4. ~~Parole; intensive parole supervision~~ Intensive incarceration
 5 program; eligibility

6 A. ~~Notwithstanding the provisions of R.S. 15:574.4(A)(1), a person,~~
 7 ~~otherwise eligible for parole, any other provision of law, a defendant~~
 8 convicted of a nonviolent first felony offense and committed to the
 9 Department of Public Safety and Corrections, or of a nonviolent second
 10 felony offense and committed to the Department of Public Safety and
 11 Corrections, may be eligible for intensive parole supervision upon successful
 12 ~~completion of to participate in the~~ intensive incarceration program. In
 13 addition, any person convicted of a first or second offense for possession of
 14 amphetamine or methamphetamine or cocaine or oxycodone or methadone
 15 or of a first offense for distribution, dispensing, or possession with intent to
 16 produce, manufacture, distribute, or dispense amphetamine or
 17 methamphetamine or cocaine or oxycodone or methadone, in violation of
 18 R.S. 40:967(B)(1) or R.S. 40:967(B)(4)(b) when the amount of amphetamine
 19 or methamphetamine or cocaine or oxycodone or methadone involved was
 20 twenty-eight grams or less, may be eligible to participate in the intensive
 21 incarceration program. ~~Notwithstanding the provisions of R.S.~~
 22 ~~40:967(B)(4)(b), a person otherwise eligible for participation in the intensive~~
 23 ~~incarceration program may be eligible for intensive parole supervision upon~~
 24 ~~successful completion of intensive incarceration.~~ The intensive incarceration
 25 ~~and intensive parole supervision~~ program shall be established and
 26 administered by the department. The offender may be considered for
 27 participation in the program if all of the following conditions are met:

- 28 (1) The offender is sentenced to be committed to the Department of
 29 Public Safety and Corrections to serve ten years or less.
- 30 (2) The department, through the division of probation and parole
 31 within the office of adult services, recommends to the sentencing court that
 32 the offender is particularly likely to respond affirmatively to participation in
 33 the program.
- 34 (3) The court at sentencing recommends that the offender be
 35 considered for participation in the program.
- 36 (4) The secretary of the department, or his designee, finds, after an
 37 evaluation, that the offender is particularly likely to respond affirmatively to
 38 participation in the program.
- 39 (5) The offender voluntarily enrolls in the program after having been
 40 advised by the department of the rules and regulations governing
 41 participation in the program.
- 42 (6) The court sentences an offender in the drug division probation
 43 program pursuant to R.S. 13:5304.

44 B. ~~Notwithstanding the provisions of R.S. 15:574.4(A)(1), an~~
 45 ~~offender who is otherwise eligible for intensive incarceration and intensive~~
 46 ~~parole supervision, but who has not been recommended for participation in~~
 47 ~~the intensive incarceration and intensive parole supervision program by the~~
 48 ~~division of probation and parole or the sentencing judge, as provided for in~~
 49 ~~Paragraphs (A)(2) and (3) of this Section, may additionally be placed in the~~
 50 ~~intensive incarceration and intensive parole supervision program if all of the~~
 51 ~~following conditions are met:~~

- 52 (1) ~~The staff at the adult reception and diagnostic center, after a~~
 53 ~~thorough evaluation, determines that the offender is suitable and appropriate~~
 54 ~~for participation:~~
- 55 (2) ~~The warden at the adult reception and diagnostic center concurs~~
 56 ~~with the staff recommendation:~~
- 57 (3) ~~The warden of the facility where the offender would be placed~~
 58 ~~concurs with the recommendation of the staff and warden of the adult~~
 59 ~~reception and diagnostic center:~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 ~~(4) The offender meets other conditions of participation as set forth~~
 2 ~~in Paragraphs (A)(1), (4), and (5) of this Section.~~

3 ~~C.(1) Notwithstanding the provisions of R.S. 15:574.4(A)(1), a~~
 4 ~~person, otherwise eligible for parole, convicted of a first felony offense and~~
 5 ~~committed to the Department of Public Safety and Corrections, or of a~~
 6 ~~second felony offense and committed to the Department of Public Safety and~~
 7 ~~Corrections, may be eligible for intensive parole supervision upon successful~~
 8 ~~completion of intensive incarceration. The intensive incarceration and~~
 9 ~~intensive parole supervision program shall be established and administered~~
 10 ~~by the department.~~

11 ~~(2) The court may sentence an offender directly to the program if the~~
 12 ~~court commits the offender to the Department of Public Safety and~~
 13 ~~Corrections to serve ten years or less.~~

14 ~~D.B.~~ For purposes of this Section, a "first offender" shall not have
 15 been convicted previously of another felony as provided in R.S. 15:572(C)
 16 and shall not have been granted an automatic pardon as provided in R.S.
 17 15:572(B).

18 ~~E.C.~~ The duration of intensive incarceration shall not be less than one
 19 hundred eighty calendar days.

20 ~~F.D.~~ The participating offender shall be evaluated by the program
 21 staff on a continual basis throughout the entire period of intensive
 22 incarceration. The evaluation shall include the offender's performance while
 23 incarcerated, ~~the likelihood of successful adjustment on parole, and other~~
 24 ~~factors deemed relevant by the committee on parole or the program staff.~~
 25 ~~The evaluation shall provide the basis for the recommendations by the~~
 26 ~~department to the committee on parole upon the offender's completion of~~
 27 ~~intensive incarceration. Violation of any institutional or program rules or~~
 28 ~~regulations may subject the participant to removal from the program by the~~
 29 ~~department.~~

30 ~~G.E.(1)~~ If an offender is denied entry into the intensive incarceration
 31 program for physical or mental health reasons or for failure to meet the
 32 department's suitability criteria, the department shall notify the sentencing
 33 court, and based upon the court's order, shall either return the offender to
 34 court for resentencing in accordance with the provisions of the Code of
 35 Criminal Procedure Article 881.1 or return the offender to a prison to serve
 36 the remainder of his sentence as provided by law.

37 (2) If an offender enters the intensive incarceration program and is
 38 subsequently removed for physical or mental health reasons or for failure to
 39 meet the department's suitability criteria, the department shall notify the
 40 sentencing court and, based upon the court's order, shall either return the
 41 offender to court for resentencing in accordance with the provisions of Code
 42 of Criminal Procedure Article 881.1 or return the offender to a prison to
 43 serve the remainder of his sentence as provided by law. If an offender enters
 44 the intensive incarceration program and is removed for violating any
 45 institutional or program rules or regulations, the offender shall be assigned
 46 to the general population to serve the remainder of his sentence as provided
 47 by law.

48 ~~H.~~ ~~When an offender completes intensive incarceration, the~~
 49 ~~committee on parole shall review the case of the offender and recommend~~
 50 ~~either that the offender be released on intensive parole supervision or that the~~
 51 ~~offender serve the remainder of his sentence as provided by law. When the~~
 52 ~~offender is released to intensive parole supervision by the committee, the~~
 53 ~~committee shall require the offender to comply with the following conditions~~
 54 ~~of intensive parole supervision in addition to any other conditions of parole~~
 55 ~~ordered by the committee:~~

56 ~~(1) Be subject to multiple monthly visits with his supervising officers~~
 57 ~~without prior notice.~~

58 ~~(2) Abide by any curfew set by his supervising officers.~~

1 and parole, may order that the offender be committed to the department and
2 be considered for participation in the intensive incarceration ~~and intensive~~
3 ~~parole supervision~~ program as provided for in ~~R.S. 15:574.4~~ R.S. 15:574.4.4
4 or R.S. 15:574.5. If the offender committed to the custody of the department
5 participates in an intensive incarceration program as provided for in R.S.
6 15:574.5, the department shall reimburse the sheriff's office of the parish
7 conducting the program in the amount appropriated by the legislature."

8 AMENDMENT NO. 10

9 On page 6, at the beginning of line 9, change "Section 3." to "Section 4."