

2020 Regular Session

HOUSE BILL NO. 173

BY REPRESENTATIVE JAMES

JUVENILES: Provides parole eligibility for certain juvenile offenders

1 AN ACT

2 To enact R.S. 15:574.4(J), relative to parole; to provide parole eligibility for certain juvenile
3 offenders; to provide eligibility requirements; to provide relative to certain duties of
4 the committee on parole; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:574.4(J) is hereby enacted to read as follows:

7 §574.4. Parole; eligibility; juvenile offenders

8 * * *

9 J.(1) Notwithstanding any provision of law to the contrary, any person
10 servng a term or terms of imprisonment that result in a period of incarceration of
11 twenty-five years or more and who was under the age of eighteen years at the time
12 of the commission of the offense shall be eligible for parole consideration pursuant
13 to the provisions of this Subsection if all of the following conditions have been met:

14 (a) The offender has served at least twenty-five years of the sentence
15 imposed.

16 (b) The offender has not committed any major disciplinary offenses in the
17 twelve consecutive months prior to the parole hearing date. A major disciplinary
18 offense is an offense identified as a Schedule B offense by the Department of Public
19 Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.

1 (c) The offender has completed the mandatory minimum of one hundred
2 hours of prerelease programming in accordance with R.S. 15:827.1.

3 (d) The offender has completed substance abuse treatment as applicable.

4 (e) The offender has obtained a GED certification, unless the offender has
5 previously obtained a high school diploma or is deemed by a certified educator as
6 being incapable of obtaining a GED certification due to a learning disability. If the
7 offender is deemed incapable of obtaining a GED certification, the offender shall
8 complete at least one of the following:

9 (i) A literacy program.

10 (ii) An adult basic education program.

11 (iii) A job skills training program.

12 (f) The offender has obtained a low-risk level designation determined by a
13 validated risk assessment instrument approved by the secretary of the Department
14 of Public Safety and Corrections.

15 (g) The offender has completed a reentry program to be determined by the
16 Department of Public Safety and Corrections.

17 (2) For each offender eligible for parole consideration pursuant to the
18 provisions of this Subsection, the committee on parole shall meet in a three-member
19 panel, shall consider the impact that the lack of brain development in adolescence
20 has on culpability and behavior, a juvenile offender's unique ability to mature and
21 grow, and any other relevant evidence or testimony pertaining to the offender.

22 (3) The panel shall render specific findings of fact in support of its decision.

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 173 Original

2020 Regular Session

James

Abstract: Provides parole eligibility for certain juvenile offenders, provides the requirements for eligibility, and provides certain requirements for the committee on parole in such cases, including certain factors the committee is required to consider.

Present law provides parole eligibility for certain offenders.

Proposed law retains present law and provides parole eligibility for any person serving a term or terms of imprisonment that result in a period of incarceration of 25 years or more and who was under the age of 18 years at the time of the commission if certain conditions are met including but not limited to the following:

- (1) The offender has not committed any major disciplinary offenses in the 12 consecutive months prior to the parole hearing date.
- (2) The offender has completed the mandatory minimum of 100 hours of prerelease programming.
- (3) The offender has completed substance abuse treatment as applicable.
- (4) The offender has obtained a GED certification or has completed certain other educational or job skills programs.
- (5) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument.
- (6) The offender has completed a reentry program.

Proposed law provides that for each offender eligible for parole consideration pursuant to proposed law, the committee on parole shall meet in a three-member panel, shall consider the impact that the lack of brain development in adolescence has on culpability and behavior, a juvenile offender's unique ability to mature and grow, and any other relevant evidence or testimony pertaining to the offender. Proposed law further requires the three-member panel to render specific findings of fact in support of its decision.

(Adds R.S. 15:574.4(J))