

2020 Second Extraordinary Session

HOUSE BILL NO. 1

BY REPRESENTATIVE JAMES

JUVENILES: Provides relative to parole eligibility for certain juvenile offenders (Item #58)

1 AN ACT

2 To amend and reenact R.S. 15:574.4(J)(1)(introductory paragraph) and to enact R.S.
3 15:574.4(J)(4), relative to parole eligibility for juvenile offenders; to modify the
4 applicability of certain parole eligibility provisions to juvenile offenders serving life
5 sentences; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:574.4(J)(1)(introductory paragraph) is hereby amended and
8 reenacted and R.S. 15:574.4(J)(4) is hereby enacted to read as follows:

9 §574.4. Parole; eligibility; juvenile offenders

10 * * *

11 J.(1) Notwithstanding any provision of law to the contrary, and except as
12 provided in Subsections D, E, F, G, and H of this Section, any person serving a term
13 or terms of imprisonment that result in a period of incarceration of twenty-five years
14 or more and who was under the age of eighteen years at the time of the commission
15 of the offense shall be eligible for parole consideration pursuant to the provisions of
16 this Subsection if all of the following conditions have been met:

17 * * *

18 (4) The provisions of this Subsection shall not apply to a person serving a
19 sentence of life imprisonment for a conviction of R.S. 14:30, 30.1, 42, or 44.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
 2 signed by the governor, upon expiration of the time for bills to become law without signature
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 5 effective on the day following such approval.

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 1 Engrossed

2020 Second Extraordinary Session

James

Abstract: Provides relative to the application of certain parole eligibility provisions to juvenile offenders serving a life sentence.

Present law provides parole eligibility for certain juvenile offenders as follows:

- (1) Any person serving a sentence of **life imprisonment for a non-homicide offense** who was under the age of 18 years at the time of the commission of the offense, shall be eligible for parole consideration upon serving **25 years** of the sentence imposed and meeting certain conditions set forth in present law. (R.S. 15:574.4(D))
- (2) Any person serving a sentence of **life imprisonment for a conviction of first degree murder** (R.S. 14:30) who was under the age of 18 years at the time of the commission of the offense and whose **indictment for the offense is on or after Aug. 1, 2017**, shall be eligible for parole consideration if a **judicial determination has been made** that the person is entitled to parole eligibility, the offender has served **25 years** of the sentence imposed, and the offender meets certain conditions set forth in present law. (R.S. 15:574.4(E))
- (3) Any person serving a sentence of **life imprisonment for a conviction of second degree murder** (R.S. 14:30.1) who was under the age of 18 years at the time of the commission of the offense and whose **indictment for the offense is on or after Aug. 1, 2017**, shall be eligible for parole consideration upon serving **25 years** of the sentence imposed and meeting certain conditions set forth in present law. (R.S. 15:574.4(F))
- (4) Any person serving a sentence of **life imprisonment for a conviction of first or second degree murder** (R.S. 14:30 or 30.1) who was under the age of 18 years at the time of the commission of the offense and whose **indictment for the offense was prior to Aug. 1, 2017**, shall be eligible for parole consideration if a **judicial determination has been made** that the person is entitled to parole eligibility, the offender has served **25 years** of the sentence imposed, and the offender meets certain conditions set forth in present law. (R.S. 15:574.4(G))

Proposed law retains these provisions of present law.

Present law (R.S. 15:574.4(J)) provides that 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 of the offense shall be eligible for parole

consideration upon serving at least 25 years of the sentence imposed and upon meeting certain conditions set forth in present law.

Proposed law specifies that parole eligibility pursuant to this provision of present law (R.S. 15:574.4(J)) does not apply to a person serving a sentence of life imprisonment for a conviction of first degree murder (R.S. 14:30), second degree murder (R.S. 14:30.1), aggravated or first degree rape (R.S. 14:42), or aggravated kidnapping (R.S. 14:44).

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:574.4(J)(1)(intro. para.); Adds R.S. 15:574.4(J)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make effective upon signature of governor or lapse of time for gubernatorial action.