

2021 Regular Session

SENATE BILL NO. 85

BY SENATOR ABRAHAM

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL JUSTICE. Provides relative to the rate at which certain prisoners earn "good time". (gov sig)

1 AN ACT

2 To amend and reenact R.S. 15:571.3(B)(2)(a) and (c), relative to diminution of sentence for
3 good behavior; to provide that all prisoners convicted of certain offenses earn "good
4 time" at the same rate regardless of the date the offense was committed or the date
5 of conviction; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:571.3(B)(2)(a) and (c) are hereby amended and reenacted to read
8 as follows:

9 §571.3. Diminution of sentence for good behavior

10		*	*	*
11	B.	*	*	*
12		*	*	*

13 (2)(a) An offender convicted of a crime of violence as defined in R.S.
14 14:2(B), without a prior conviction of a crime of violence as defined in R.S. 14:2(B)
15 or **a prior conviction of** a sex offense as defined in R.S. 15:541, shall earn
16 diminution of sentence at a rate of one day for every three days in actual custody
17 held on the imposed sentence, including time spent in custody with good behavior

1 prior to sentencing for the particular sentence imposed as authorized by Code of
2 Criminal Procedure Article 880.

3 * * *

4 (c) The provisions of this Paragraph shall apply ~~only to offenders who~~
5 ~~commit an offense or whose probation or parole is revoked on or after November 1,~~
6 ~~2017~~ **regardless of the date of the commission of the offense or the date of the**
7 **conviction.**

8 * * *

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement Jr.

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Present law provides that a prisoner serving time for a felony crime of violence, without a prior conviction of a crime of violence or sex offense, earns diminution of sentence for good behavior "good time" at a rate of one day for every three days in actual custody; however, present law does not apply to an offender whose instant conviction is for a crime that is listed in present law as both as a crime of violence and a sex offense. Present law applies only to a prisoner who committed the offense on or after November 1, 2017.

Proposed law deletes the provision of present law that makes the one-for-three "good time" rate only applicable to prisoners who committed the offense on or after November 1, 2017, and makes that rate applicable regardless of the date of the commission of the offense or the date of conviction.

Proposed law otherwise retains present law.

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

(Amends R.S. 15:571.3(B)(2)(a) and (c))