

2021 Regular Session

HOUSE BILL NO. 419

BY REPRESENTATIVE JEFFERSON

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

PAROLE: Provides relative to parole violations

1 AN ACT

2 To amend and reenact R.S. 15:574.9(F) and 574.10, relative to parole violations; to provide
3 relative to the credit a person receives for time served while on parole when parole
4 is revoked; to provide relative to the serving of a concurrent or consecutive sentence;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:574.9(F) and 574.10 are hereby amended and reenacted to read
8 as follows:

9 §574.9. Revocation of parole for violation of condition; committee panels; return
10 to custody hearing; duration of reimprisonment and reparole after revocation;
11 credit for time served; revocation for a technical violation

12 * * *

13 F. When the parole of a parolee has been revoked by the committee for
14 violation of the conditions of parole, the parolee shall be returned to the physical
15 custody of the Department of Public Safety and Corrections, corrections services,
16 and serve the remainder of his sentence as of the date of his release on parole, ~~and~~
17 ~~any~~ with credit for time served for good behavior while on parole. The parolee shall
18 be given credit for time served prior to the revocation hearing for time served in
19 actual custody while being held for a parole violation in a local detention facility,

1 state institution, or out-of-state institution pursuant to Code of Criminal Procedure
2 Article 880.

3 * * *

4 §574.10. Conviction of a felony while on parole

5 When a person is convicted in this state of a felony committed while on
6 parole or is convicted under the laws of any other state or of the United States or any
7 foreign government or country of an offense committed while on parole, and which
8 if committed in this state would be a felony, his parole shall be deemed revoked as
9 of the date of the commission of the felony or such offense under the laws of the
10 other jurisdiction. His parole officer shall inform the sentencing judge of the fact
11 that the convicted defendant is a parole violator. The term for which the defendant
12 shall be imprisoned as a parole violator shall be the same as that provided in cases
13 of revocation of parole for violation of the conditions of parole. The new sentence
14 of imprisonment shall be served ~~consecutively to~~ concurrently with the term of
15 imprisonment for violation of parole unless a ~~concurrent~~ consecutive term of
16 imprisonment is directed by the court. An appeal by the defendant on the new
17 conviction or sentence shall not suspend the revocation provisions of this Section,
18 unless the defendant has been admitted to post-conviction bail on the new sentence
19 of imprisonment. In the event of a successful appeal of the new conviction or
20 sentence, the state shall be liable for any loss of income sustained by the defendant
21 due to such revocation of parole.

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 419 Original

2021 Regular Session

Jefferson

Abstract: Provides relative to the credit received for time served while on parole when parole is revoked, and provides for the concurrent serving of the sentence imposed for the parole violation and the sentence imposed for a new offense.

Present law provides that when a person's parole has been revoked, the person shall be returned to the physical custody of the Dept. of Public Safety and Corrections to serve the

remainder of his sentence as of the date of his release on parole, and any credit for time served for good behavior while on parole.

Proposed law retains present law but specifies that the person shall receive credit for time served for good behavior while on parole.

Present law provides that when a person is convicted of a felony that was committed while on parole, parole shall be deemed revoked as of the date of the commission of the felony. Further provides that the new sentence of imprisonment shall be served consecutively to the term of imprisonment for violation of parole unless a concurrent term of imprisonment is directed by the court.

Proposed law amends present law to provide that the new sentence of imprisonment shall be served concurrently with the term of imprisonment for the violation of parole unless a consecutive term of imprisonment is directed by the court.

(Amends R.S. 15:574.9(F) and 574.10)