

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; to provide certain conditions for prisoners convicted before November
6 1, 2017; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

10 §571.3. Diminution of sentence for good behavior

11 * * *

12 B. * * *

13 * * *

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

1 held on the imposed sentence, including time spent in custody with good behavior
 2 prior to sentencing for the particular sentence imposed as authorized by Code of
 3 Criminal Procedure Article 880.

4 * * *

5 (c) The (i) Except as provided in Item (ii) of this Subparagraph, the
 6 provisions of this Paragraph shall apply only to offenders who commit an offense or
 7 whose probation or parole is revoked on or after November 1, 2017.

8 (ii) The provisions of this Paragraph shall apply to an offender who
 9 committed an offense or whose probation or parole was revoked prior to
 10 November 1, 2017, if all of the following conditions are met:

11 (aa) The offender has not committed more than three disciplinary
 12 offenses, as identified by the Department of Public Safety and Corrections in the
 13 Disciplinary Rules and Procedures for Adult Offenders, during his
 14 incarceration.

15 (bb) The offender has completed a certified treatment and rehabilitation
 16 program, as provided for by R.S. 15:828, that is specifically related to the
 17 offense for which the offender has been incarcerated.

18 (cc) The offender has either:

19 (1) Completed a one hundred hour standardized pre-release orientation
 20 program, as provided for by R.S. 15:827.1.

21 (2) The offender has voluntarily participated in community service work
 22 with charities outside of the correctional facility.

23 (dd) The offender has an excellent performance record in institutional
 24 jobs or work while incarcerated.

25 * * *

26 Section 2. This Act shall become effective upon signature by the governor or, if not
 27 signed by the governor, upon expiration of the time for bills to become law without signature
 28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 29 vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 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.

DIGEST

SB 85 Engrossed

2021 Regular Session

Abraham

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, known as "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 of violence that is also listed in present law as a sex offense.

Present law applies only to a prisoner who committed the offense on or after November 1, 2017.

Proposed law retains present law and also makes the one-for-three good time rate applicable to prisoners who committed an offense before November 1, 2017, provided the following conditions are met:

- (1) The offender has not committed more than three disciplinary offenses, as identified by the Dept of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders. during his incarceration.
- (2) The offender has completed a certified treatment and rehabilitation program, as provided for by present law, that is specifically related to the offense for which the offender has been incarcerated.
- (3) The offender has either:
 - (a) Completed a one hundred hour standardized pre-release orientation program, as provided for by present law.
 - (b) Voluntarily participated in community service work with charities outside of the correctional facility.
- (4) The offender has an excellent performance record in institutional jobs or work while incarcerated.

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

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Add conditions that must be met by offenders who committed an offense prior to 11/1/17 in order to be eligible for the increased good time rate provided for by proposed law.