

2021 Regular Session

HOUSE RESOLUTION NO. 198

BY REPRESENTATIVE VILLIO

A RESOLUTION

To request the House Committee on Administration of Criminal Justice, or a subcommittee thereof, to study non-capital felony sentencing and evaluate the procedures, best practices, transparency, and effectiveness of sentencing for those convicted of non-capital felony offenses in Louisiana in order to best assure the fair administration of justice.

WHEREAS, the fair administration of justice requires that all stakeholders within the criminal justice system, including victims, defendants, defense counsel, prosecutors, judges, and the Department of Public Safety and Corrections should be afforded the opportunity to accurately calculate the amount of time to be served by an individual convicted of a felony offense in Louisiana and the projected release date upon the completion of that individual's sentence; and

WHEREAS, the current scheme of felony sentencing, including but not limited to good time calculations, parole eligibility, early release programs, transitional work programs, habitual offender procedures, and related provisions are complex and enigmatic; and

WHEREAS, the current scheme of felony sentencing has resulted in civil litigation from certain convicted individuals who have sued the Department of Public Safety and Corrections for holding them beyond their actual release dates due to the failure of the department to timely calculate and effectuate their release; and

WHEREAS, the current scheme of felony sentencing has resulted in the inability of stakeholders to advise victims and crime survivors of an accurate release date for those convicted of felony crimes and sentenced to hard labor within the Department of Public Safety and Corrections; and

WHEREAS, the current scheme of felony sentencing has resulted in an investigation by the United States Department of Justice into the over-detention of inmates due to the inability to timely calculate accurate release dates; and

WHEREAS, twenty-four states have utilized a transparency sentencing scheme which operates to provide clarity to all stakeholders as to the amount of time to be served prior to release when committed to a period of incarceration for a conviction of a felony offense in those states; and

WHEREAS, states that have implemented and applied such transparency sentencing procedures have reported a reduction in the rate of incarceration, a reduction in the rate of recidivism, a reduction in the crime rates, and an increase in clarity.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana requests the House Committee on Administration of Criminal Justice, or a subcommittee thereof, to study non-capital felony sentencing with the intent of developing best practices regarding transparency in sentencing for those convicted of felony crimes within Louisiana and to propose recommendations that would effectuate the fair administration of justice for both the victims of crime, survivors of crime, defendants in criminal proceedings, and the citizens of Louisiana, and to report its findings to the House of Representatives no later than February 15, 2022.

BE IT FURTHER RESOLVED that the House Committee on Administration of Criminal Justice may receive information from all of the following organizations:

- (1) The governor's office.
- (2) The Louisiana Supreme Court.
- (3) The Louisiana District Judges Association.
- (4) The Department of Public Safety and Corrections.
- (5) The Victims of Innocent Citizens Empowered, Incorporated.
- (6) The state public defender.
- (7) The Louisiana District Attorneys Association.
- (8) The Louisiana Sheriffs' Association.
- (9) The Board of Pardons and committee on parole.
- (10) The Louisiana Probation and Parole Officers Association.
- (11) The Louisiana Sentencing Commission.

(12) Organizations that represent the interests of incarcerated and formerly incarcerated individuals and families.

(13) The Louisiana Association of Criminal Defense Lawyers.

(14) Any other interested stakeholders.

BE IT FURTHER RESOLVED that one print copy and one electronic copy of any report produced pursuant to this Resolution shall be submitted to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES