

2022 Regular Session

HOUSE BILL NO. 321

BY REPRESENTATIVE BOYD

PARDON/PAROLE: Provides relative to parole for certain persons

1 AN ACT

2 To enact Subpart D-1 of Part II of Chapter 5 of Title 15 of the Louisiana Revised Statutes  
3 of 1950, to be comprised of R.S. 15:574.20.1, relative to parole; to create an elderly  
4 parole program for eligible offenders; to provide for eligibility requirements; to  
5 provide relative to authority of the committee on parole; to provide for a parole term;  
6 to provide for the promulgation of rules; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Subpart D-1 of Part II of Chapter 5 of Title 15 of the Louisiana Revised  
9 Statutes of 1950, comprised of R.S. 15:574.20.1, is hereby enacted to read as follows:

10 SUBPART D-1. ELDERLY PAROLE

11 §574.20.1. Elderly parole program; eligibility

12 A. Notwithstanding the provisions of this Part or any other law to the  
13 contrary, and except as provided in this Section, any person sentenced to the custody  
14 of the Department of Public Safety and Corrections may, upon referral by the  
15 department, be considered for elderly parole by the committee on parole.  
16 Consideration for elderly parole pursuant to the provisions of this Section shall be  
17 in addition to any other parole for which an inmate may be eligible.

18 B.(1) The committee on parole shall establish the elderly parole program to  
19 be administered by the Department of Public Safety and Corrections. An offender

1 eligible for consideration for release under the program shall be any offender who  
2 meets all of the following conditions:

3 (a) Has attained the age of at least seventy years old.

4 (b) Has served more than fifty percent of the sentence imposed.

5 (2) Elderly parole shall not be available to any offender serving a sentence  
6 for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S.  
7 14:30.1) or an offender who is awaiting execution.

8 C.(1) No offender shall be recommended for parole pursuant to this Section  
9 by the department until full consideration has been given to the offender's crime and  
10 criminal history, length of time served in custody, institutional conduct, an indication  
11 that the offender represents a low risk to himself or society, and a medical  
12 assessment of the offender's condition.

13 (2) Neither the department nor the warden of the correctional facility shall  
14 recommend that the offender's sentence be commuted for any reasons contemplated  
15 by this Section.

16 D.(1) The authority to grant elderly parole pursuant to this Section shall rest  
17 solely with the committee on parole, and the committee shall establish additional  
18 conditions of the parole in accordance with the provisions of this Subpart.

19 (2) The committee on parole shall determine the risk to public safety and  
20 shall grant elderly parole only after determining that the offender does not pose a  
21 threat to public safety.

22 (3) An offender who is denied elderly parole may apply for a rehearing  
23 within the time frame applicable to a denial of parole under any other provision of  
24 this Part.

25 E. The parole term of an offender released on elderly parole shall be for the  
26 remainder of the offender's sentence, without diminution of sentence for good  
27 behavior.

28 F. An offender's eligibility for elderly parole under this Section shall not  
29 interfere with his consideration for either medical parole or medical treatment

- 1 furlough if he has been designated as a permanently disabled offender or terminally  
2 ill offender as defined in R.S. 15:574.20.
- 3 G. The committee on parole shall promulgate such rules as are necessary to  
4 effectuate this Subpart, including rules relative to the conduct of elderly parole  
5 hearings and the conditions of elderly parole release.
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## 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)]

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HB 321 Original

2022 Regular Session

Boyd

**Abstract:** Creates an elderly parole program for eligible offenders.

Proposed law provides that any person sentenced to the custody of the Dept. of Public Safety and Corrections (DPSC) may, upon referral by the department, be considered for elderly parole by the committee on parole. Provides that consideration for elderly parole pursuant to the provisions of proposed law shall be in addition to any other parole for which an inmate may be eligible.

Proposed law provides that the committee on parole shall establish the elderly parole program to be administered by the DPSC. Provides that an offender eligible for consideration for release under the program shall be any offender who meets all of the following conditions:

- (1) Has attained the age of at least 70 years old.
- (2) Has served more than 50% of the sentence imposed.

Proposed law provides that elderly parole shall not be available to any offender serving a sentence for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) or an offender who is awaiting execution.

Proposed law provides that no offender shall be recommended for parole pursuant to present law by the DPSC until full consideration has been given to the offender's crime and criminal history, length of time served in custody, institutional conduct, an indication that the offender represents a low risk to himself or society, and a medical assessment of the offender's condition.

Proposed law provides that neither the DPSC nor the warden of the correctional facility shall recommend that the offender's sentence be commuted for any reasons contemplated by proposed law.

Proposed law provides that the authority to grant elderly parole pursuant to proposed law shall rest solely with the committee on parole, and the committee shall establish additional conditions of the parole in accordance with the provisions of proposed law.

Proposed law provides that the committee on parole shall determine the risk to public safety and shall grant elderly parole only after determining that the offender does not pose a threat to public safety.

Proposed law provides that an offender who is denied elderly parole may apply for a rehearing within the time frame applicable to a denial of parole under any other provision of proposed law.

Proposed law provides that the parole term of an offender released on elderly parole shall be for the remainder of the offender's sentence, without diminution of sentence for good behavior.

Proposed law provides that an offender's eligibility for elderly parole under proposed law shall not interfere with his consideration for either medical parole or medical treatment furlough if he has been designated as a permanently disabled offender or terminally ill offender as defined in present law (R.S. 15:574.20).

Proposed law provides that the committee on parole shall promulgate such rules as are necessary to effectuate proposed law, including rules relative to the conduct of elderly parole hearings and the conditions of elderly parole release.

(Adds R.S. 15:574.20.1)