
DIGEST

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HB 544 Original

2022 Regular Session

Villio

Abstract: Provides relative to diminution of sentence and parole eligibility for offenders convicted a fourth or subsequent time of a nonviolent felony offense.

Present law (R.S. 15:571.3(B)(1)(a)) provides that every offender in the custody of the DPS&C who has been convicted of a felony, except an offender convicted a second time of a crime of violence, and sentenced to imprisonment for a stated number of years or months, may earn good time in lieu of incentive wages. Offenders serving life sentences will be credited with good time earned which will be applied toward diminution of their sentences at such time as the life sentences might be commuted to a specific number of years.

Proposed law amends present law to provide for an exception for an offender convicted a fourth or subsequent time of a nonviolent felony offense.

Proposed law further provides that an offender convicted of a fourth or subsequent nonviolent felony offense shall earn a diminution of sentence at a rate of one day for every two days in actual custody held on the imposed sentence, including time spent in custody with good behavior prior to sentencing for the particular sentence imposed as authorized by present law (C.Cr.P. Art. 880). Proposed law shall not apply to any person convicted of a sex offense.

Present law (R.S. 15:571.3(D)) provides that diminution of sentence shall not be allowed for an offender in the custody of the DPS&C if the instant offense is a second offense crime of violence or if the instant offense is a sex offense.

Proposed law amends present law to provide that diminution of sentence shall also not be allowed for an offender in a parish prison if the instant offense is a second offense crime of violence or if the instant offense is a sex offense.

Present law (R.S. 15:574.4(A)(1)(a)) provides that a person otherwise eligible for parole shall be eligible for parole consideration upon serving 25% of the sentence imposed. Further provides that present law shall not apply to any person whose instant offense is a crime of violence, a sex offense, or any offense which would constitute a crime of violence or a sex offense, regardless of the date of conviction.

Proposed law provides that present law shall also not apply to a person whose instant offense is a fourth or subsequent conviction of a nonviolent felony offense.

Proposed law further provides that a person, otherwise eligible for parole, whose instant offense is a fourth or subsequent conviction of a nonviolent felony offense, shall be eligible for parole consideration upon serving 65% of the sentence imposed. Proposed law shall not apply to any person who has been convicted of a sex offense.

(Amends R.S. 15:571.3(B)(1)(a) and (D) and 574.4(A)(1)(a); Adds R.S. 15:571.3(B)(3) and 574.4(A)(1)(c))