
DIGEST

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HB 654 Original

2022 Regular Session

Bryant

Abstract: Provides relative to parole eligibility.

Present law provides that a person otherwise eligible for parole shall be eligible for parole consideration upon serving 25% of the sentence imposed.

Present law does not apply to any person whose instant offense is a crime of violence as defined in present law (R.S. 14:2(B)), a sex offense as defined in present law (R.S. 15:541), or any offense which would constitute a crime of violence or sex offense as defined in present law, regardless of the date of conviction.

Proposed law retains present law.

Present law applies to persons convicted of offenses prior to and on or after Nov. 1, 2017.

Proposed law repeals present law.

Present law provides that a person, otherwise eligible for parole, whose instant offense is a second conviction of a crime of violence as defined in present law (R.S. 14:2(B)) or a first or second conviction of a sex offense as defined in present law (R.S. 15:541) shall be eligible for parole consideration upon serving 75% of the sentence imposed.

Present law provides that a person convicted a third or subsequent time of a crime of violence as defined present law (R.S. 14:2(B)) or a third or subsequent time of a sex offense as defined in present law (R.S. 15:541) shall not be eligible for parole.

Proposed law retains present law.

Present law applies only to persons who commit an offense or whose probation or parole is revoked on or after Nov. 1, 2017.

Proposed law repeals present law.

Present law provides that a person committed to the Dept. of Public Safety and Corrections shall be eligible for parole consideration upon serving 15 years in actual custody if all of the following conditions are met:

- (1) The person was not eligible for parole consideration at an earlier date.
- (2) The person was sentenced to life imprisonment without parole, probation, or suspension of sentence for the instant offense and the instant offense was committed between June 29, 1995, and June 15, 2001.
- (3) The person is eligible for relief under present law (R.S. 15:308), including a person serving a life sentence with or without additional terms of years.

Proposed law deletes the present law condition that a person be sentenced to life imprisonment without parole, probation, or suspension of sentence for an instant offense committed between June 29, 1995, and June 15, 2001.

Proposed law provides that a person committed to the Dept. of Public Safety and Corrections shall be eligible for parole consideration upon serving 20 years in actual custody if the person was not eligible for parole consideration at an earlier date. Provides that proposed law shall not apply to a person serving a life sentence unless the sentence has been commuted to a fixed term of years.

Proposed law does not apply to any person whose instant offense is a crime of violence as defined in present law (R.S. 14:2(B)), a sex offense as defined in present law (R.S. 15:51), or any offense which would constitute a crime of violence or sex offense as defined in present law.

Proposed law provides that all other offenders eligible for parole consideration pursuant to proposed law shall be released from incarceration to parole supervision on the offender's parole eligibility date, without a hearing before the committee on parole, if all of the following have occurred:

- (1) The committee on parole, has determined, based on the committee's objective guidelines, which include consideration of the nature of the offender's conviction, the offender's institutional programming or treatment, and the offender's risk assessment, that the offender has met the requirements of release to parole supervision.
- (2) A victim of the offense has not requested the committee conduct a hearing.
- (3) The offender has not committed any major disciplinary offenses in the 12 consecutive months prior to the parole hearing date. A major disciplinary offense is an offense identified as a Schedule B offense by the Dept. of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.
- (4) The offender has agreed to the conditions of supervision.
- (5) The offender has a discharge plan approved by the committee on parole.

Proposed law provides that any offender eligible for parole consideration pursuant to proposed law for whom there is insufficient information for the committee on parole to determine whether the offender has met the requirements of release to parole supervision shall be granted a hearing with

the committee on parole.

Proposed law provides that a hearing shall be held with the committee on parole if requested by the victim.

Proposed law provides that a hearing shall be held by the committee on parole if a law enforcement official from the community where the offender plans to return contacts the committee and requests a hearing to consider information relevant to public safety risks posed by the offender if paroled at the initial parole eligibility date. Provides that the law enforcement official shall submit an explanation documenting these concerns for the committee to consider.

Present law provides that any person serving a sentence of life imprisonment for a conviction of first degree murder (R.S. 14:30) who was under the age of 18 years at the time of the commission of the offense and whose indictment for the offense is on or after Aug. 1, 2017, shall be eligible for parole consideration pursuant to present law if a judicial determination has been made that the person is entitled to parole eligibility pursuant to present law (C.Cr.P. Art. 878.1(A)) and various conditions have all been met.

Proposed law amends present law to remove the condition that a person's indictment for the offense be on or after Aug. 1, 2017.

Present law provides that any person serving a sentence of life imprisonment for a conviction of second degree murder (R.S. 14:30.1) who was under the age of 18 years at the time of the commission of the offense and whose indictment for the offense is on or after Aug. 1, 2017, shall be eligible for parole consideration if various conditions have all been met.

Proposed law amends present law to remove the condition that a person's indictment for the offense be on or after Aug. 1, 2017.

Present law provides that any person serving a sentence of life imprisonment for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) who was under the age of 18 years at the time of the commission of the offense and whose indictment for the offense was prior to Aug. 1, 2017, shall be eligible for parole consideration pursuant to present law if a judicial determination has been made that the person is entitled to parole eligibility pursuant to present law (C.Cr.P. Art. 878.1(B)) and various conditions have all been met.

Proposed law deletes the present law condition that a person's indictment for the offense be prior to Aug. 1, 2017.

Present law provides that information may be released upon request without special authorization, subject to restrictions.

Proposed law retains present law.

Proposed law provides that a copy of the pre-parole report, any accompanying documentation to be

considered by the committee on parole, and any preliminary or final findings of the committee on parole shall be provided to the offender, and his legal representative, in accordance with the La. Administrative Code, except for those documents withheld from the offender under the La. Administrative Code.

(Amends R.S. 15:574.4(A)(1)(a) and (5)(a), (E)(1), (F)(1), and (G)(1), and 574.12(B); Adds R.S. 15:574.4(A)(7) and (8))