The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 336 Original

2022 Regular Session

Smith

<u>Present law</u> mandates the consideration eligibility for parole of any person serving a sentence of life imprisonment who was under the age of 18 years at the time of the commission of the offense pursuant to certain conditions, except for those serving a life sentence for a conviction of first degree murder or second degree murder.

<u>Proposed law</u> mandates the consideration eligibility for parole of any person serving a sentence of life imprisonment who was under the age of 18 years at the time of the commission of the offense if a judicial determination has been made that the person is entitled to parole eligibility pursuant to certain conditions and <u>proposed law</u>.

<u>Proposed law</u> provides for any crime that carries a sentence of life imprisonment without parole and the offender was under the age of 18 years at the time of the commission of the offense, the offender must be sentenced to life imprisonment with parole eligibility to be determined in accordance with proposed law.

<u>Proposed law</u> requires the court of conviction to set the matter for a hearing to determine whether the offender shall be granted parole eligibility after the offender has served 20 years of the sentence. <u>Proposed law</u> also requires the court to set the matter for a hearing within 180 days of the offender serving 20 years of the sentence.

<u>Proposed law</u> allows the prosecution and defense to introduce any aggravating and mitigating evidence that is relevant to the charged offense or the character of the offender at the hearing.

<u>Proposed law</u> provides for the district attorney to waive the hearing in writing and filed by the district attorney into the district court record. <u>Proposed law</u> also mandates that if the district attorney waives the hearing the offender must be granted parole eligibility.

<u>Proposed law</u> provides for an offender to appeal an adverse ruling from the district court to the appropriate court of appeal, and the district court's ruling has to be reviewed for an abuse of discretion.

<u>Proposed law</u> provides that it should not be construed as affecting or negating the finality of the offender's conviction for the purposes of any post-conviction challenge if the offender is granted or denied parole eligibility.

Effective August 1, 2022.

(Amends R.S. 15:574.4(D)(1); adds R.S. 15:574.4(D)(4) and C.Cr.P. Art. 878.2; repeals R.S.

15:574.4(E), (F), and (G) and C.Cr.P. Art. 878.1)