Senate Bill No. 304

CRIME/PUNISHMENT. Provides relative to commutation of a prison sentence for good behavior. (gov sig)

AN ACT

To amend and reenact R.S. 15:571.3(B)(1)(a), the introductory paragraph of (C), (D), and (F) and to enact R.S. 15:571.3(G), relative to diminution of a sentence for good behavior; to provide for reduction of good time credit for offenders convicted of murder of first responders and peace officers; to provide that good time credit does not include incarceration prior to conviction for certain offenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:571.3(B)(1)(a), the introductory paragraph of (C), (D), and (F) are hereby amended and reenacted and R.S. 15:571.3(G) is hereby enacted to read as follows:

§ 571.3. Diminution of sentence for good behavior

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B.(1)(a) Unless otherwise prohibited, every offender in the custody of the department who has been convicted of a felony, except an offender convicted a second time of a crime of violence as defined by R.S. 14:2(B) or as provided in Subsection F of this Section, and sentenced to imprisonment for a stated number of years or months, may earn, in lieu of incentive wages, a diminution of sentence by

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
good behavior and performance of work or self-improvement activities, or both, to be known as "good time". Those 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. The secretary shall establish regulations for awarding and recording of good time and shall determine when good time has been earned toward diminution of sentence. The amount of diminution of sentence allowed under the provisions of this Section shall be at the rate of thirteen days for every seven days in actual custody served on the imposed sentence, including time spent in custody with good behavior prior to sentencing for the particular sentence imposed as authorized by the provisions of Code of Criminal Procedure Article 880.

C. Diminution of sentence shall not be allowed to be earned by an inmate in the custody of the Department of Public Safety and Corrections if any of the following apply:

D.(1) Diminution of sentence shall not be allowed to be earned by an offender in the custody of the Department of Public Safety and Corrections if the instant offense is a second offense crime of violence as defined by R.S. 14:2(B).

(2) Diminution of sentence shall not be allowed to be earned by an offender in the custody of the Department of Public Safety and Corrections if the instant offense is a sex offense as defined by R.S. 15:541.

F. Notwithstanding any other provision of law to the contrary, a person convicted in the death of a victim who was a peace officer or first responder shall earn diminution of sentence at a rate of one day for every thirty days in custody. Calculations under this Subsection shall not include time spent in custody prior to conviction.

G. No later than August first of each year, the Department of Public Safety
and Corrections shall submit an annual report to the legislature relative to offenders
released from custody during the preceding fiscal year pursuant to the provisions of
this Section. This report shall include the following information:

(1) The name and offender number of the released offender.

(2) The date on which the offender was released.

(3) The offense for which the offender was incarcerated at the time of his
release, including whether the offense was a crime of violence as defined in R.S.
14:2(B) or a sex offense as defined in R.S. 15:541.

(4) A grid which shows the earliest release date that offenders would have
been eligible for release notwithstanding the provisions of Section 3 of Act No. 280
of the 2017 Regular Session of the Legislature.

(5) Whether the offender obtained a GED certification or completed a literacy
program, an adult basic education program, or a job skills training program before
being released from custody.

(6) Any information relative to juvenile offenders that is exempt from release
pursuant to a public records request or otherwise considered confidential by law shall
be redacted from the report provided for by this Subsection.

Section 2. This Act shall become effective upon signature by the governor, or, if not
signed by the governor, upon expiration of the time for bills to become law without signature
by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
vetoed by the governor and subsequently approved by the legislature, this Act shall become
effective on the day following such approval.

The original instrument was prepared by Whitney Kauffeld. The following
digest, which does not constitute a part of the legislative instrument, was
prepared by Cheryl Serrett.

**DIGEST**

SB 304 Reengrossed 2022 Regular Session Cathey

Present law provides that diminution of a sentence is not allowed to an inmate in the Dept.
of Public Safety and Corrections if the offender has been sentenced as a habitual offender
or when the trial court prohibits the earning to a person convicted of stalking. Present law
further provides diminution of a sentence is not allowed to an inmate convicted of a second
offense which is a crime of violence, or a sex offense.
Proposed law retains present law.

Present law provides that every offender in the custody of the Dept. of Public Safety and Corrections who is convicted of a felony, except an offender convicted a second time of a crime of violence as defined in present law, for a specific amount of time, earns diminution of sentence. The "good time" is earned at a rate of 13 days for every seven days in actual custody, including time spent in custody prior to sentencing for the particular sentence imposed.

Proposed law retains present law but creates an exception when the offense for which the offender is serving is for the death of a peace officer or first responder. An offender for this offense earns good time at a rate of one day for every 30 days in actual custody, and time spent in custody prior to sentencing does not earn good time credit.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:571.3(B)(1)(a), (C)(intro para), (D), and (F); adds R.S. 15:571.3(G))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Makes effective date upon governor's signature.