
DIGEST

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HB 444 Original

2023 Regular Session

Freiberg

Abstract: Provides relative to parole eligibility conditions for certain offenders.

Present law (R.S. 15:574.4) provides for parole eligibility for certain offenders.

Proposed law retains present law.

Present law (R.S. 15:574.4) further provides the following groups of offenders with eligibility for parole consideration if certain conditions have been met:

- (1) Any person committed to DPS&C for a term or terms of imprisonment with or without benefit of parole who has served at least 10 years of the term or terms of imprisonment in actual custody and who has reached the age of 60 years.
- (2) Any person who has not been convicted of 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 an offense, regardless of the date of conviction, which would constitute a crime of violence or a sex offense who, when sentenced to life imprisonment with or without the benefit of parole, was in any of the following age ranges:
 - (a) At least 18 years of age and under the age of 25.
 - (b) At least 25 years of age and under the age of 35.
 - (c) At least 35 years of age and under the age of 50.
- (3) 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, except for a person serving a life sentence for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1).
- (4) 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.
- (5) 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.

- (6) 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.
- (7) Any person serving a term or terms of imprisonment that resulted in a period of incarceration of 25 years or more and who was under the age of 18 years at the time of the commission of the offense.

Proposed law retains present law.

Present law provides that, as one of the conditions to be eligible for parole, the offender obtain a GED credential.

Present law provides an exception to the requirement of obtaining a GED for an offender who is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. Further provides that if the offender is deemed incapable of obtaining a GED credential, the offender shall complete at least one of the following:

- (1) A literacy program.
- (2) An adult basic education program.
- (3) A job-skills training program.

Proposed law amends present law by removing the exception for an offender who is deemed incapable of obtaining a GED and by providing that any offender may be eligible for parole if he completes at least one of the following:

- (1) A literacy program.
- (2) An adult basic education program.
- (3) A job-skills training program.
- (4) A GED certification.

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

(Amends R.S. 15:574.4(A)(4)(e), (B)(2)(a)(vi), (b)(vi), and (c)(vi), (D)(1)(e)(intro. para.), (E)(1)(e)(intro. para.), (F)(1)(e)(intro. para.), (G)(1)(e)(intro. para.), and (J)(1)(e)(intro. para.); Adds R.S. 15:574.4(D)(1)(e)(iv), (E)(1)(e)(iv), (F)(1)(e)(iv), (G)(1)(e)(iv), and (J)(1)(e)(iv))