

2023 Regular Session

HOUSE BILL NO. 444

BY REPRESENTATIVES FREIBERG, ADAMS, BRYANT, ROBBY CARTER, WILFORD CARTER, COX, FISHER, GLOVER, HUGHES, JEFFERSON, JENKINS, TRAVIS JOHNSON, KNOX, LAFLEUR, LARVADAIN, LYONS, DUSTIN MILLER, MOORE, NEWELL, PIERRE, SELDERS, THOMPSON, AND WILLARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PAROLE: Provides relative to parole eligibility for certain offenders

1 AN ACT

2 To amend and reenact R.S. 15:574.2(C)(2)(e), 574.4(A)(4)(e), (B)(2)(a)(vi), (b)(vi), (c)(vi),

3 and (d)(vi), (D)(1)(e)(introductory paragraph), (E)(1)(e)(introductory paragraph),

4 (F)(1)(e)(introductory paragraph), (G)(1)(e)(introductory paragraph), and

5 (J)(1)(e)(introductory paragraph), and R.S. 15:574.4.2(E) and to enact R.S.

6 15:574.4(D)(1)(e)(iv), (E)(1)(e)(iv), (F)(1)(e)(iv), (G)(1)(e)(iv), and (J)(1)(e)(iv),

7 relative to parole eligibility for certain offenders; to provide relative to the conditions

8 for parole eligibility; to provide for an effective date; and to provide for related

9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 15:574.2(C)(2)(e), 574.4(A)(4)(e), (B)(2)(a)(vi), (b)(vi), (c)(vi), and

12 (d)(vi), (D)(1)(e)(introductory paragraph), (E)(1)(e)(introductory paragraph),

13 (F)(1)(e)(introductory paragraph), (G)(1)(e)(introductory paragraph), and

14 (J)(1)(e)(introductory paragraph), and R.S. 15:574.4.2(E) are hereby amended and reenacted

15 and 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)

16 are hereby enacted to read as follows:

1 §574.2. Committee on parole, Board of Pardons; membership; qualifications;
2 vacancies; compensation; domicile; venue; meetings; quorum; panels;
3 powers and duties; transfer of property to committee; representation of
4 applicants before the committee; prohibitions

5 * * *

6 C.

7 * * *

8 (2) Except in cases where the offender is released pursuant to Paragraph (4)
9 of this Subsection, the committee may grant parole with two votes of a three-member
10 panel, or, if the number exceeds a three-member panel, a majority vote of those
11 present if all of the following conditions are met:

12 * * *

13 (e) The offender has obtained or completed a GED credential, ~~unless the~~
14 ~~offender has previously obtained a high school diploma or is deemed by a certified~~
15 ~~educator as being incapable of obtaining a GED credential due to a learning~~
16 ~~disability. If the offender is deemed incapable of obtaining a GED credential, the~~
17 ~~offender must complete~~ at least one of the following:

- 18 (i) ~~a~~ A literacy program.
- 19 (ii) ~~an~~ An adult basic education program.
- 20 (iii) ~~or a~~ A job skills training program.
- 21 (iv) A high school equivalency certificate.

22 * * *

23 §574.4. Parole; eligibility; juvenile offenders

24 A.

25 * * *

26 (4) Notwithstanding any other provision of law to the contrary, unless
27 eligible for parole at an earlier date, a person committed to the Department of Public
28 Safety and Corrections for a term or terms of imprisonment with or without benefit
29 of parole who has served at least ten years of the term or terms of imprisonment in

1 actual custody shall be eligible for parole consideration upon reaching the age of
2 sixty years if all of the following conditions have been met:

3 * * *

4 (e) The offender has obtained a ~~GED credential, unless the offender has~~
5 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
6 ~~being incapable of obtaining a GED credential due to a learning disability. If the~~
7 ~~offender is deemed incapable of obtaining a GED credential, the offender shall~~
8 ~~complete~~ or completed at least one of the following:

9 (i) a A literacy program;

10 (ii) ~~an~~ An adult basic education program;

11 (iii) ~~or a~~ A job-skills training program.

12 (iv) A high school equivalency certificate.

13 * * *

14 B.

15 * * *

16 (2) Notwithstanding any provision of law to the contrary, any person serving
17 a life sentence, with or without the benefit of parole, who has not been convicted of
18 a crime of violence as defined by R.S. 14:2(B), a sex offense as defined by R.S.
19 15:541, or an offense, regardless of the date of conviction, which would constitute
20 a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S.
21 15:541, shall be eligible for parole consideration as follows:

22 (a) If the person was at least eighteen years of age and under the age of
23 twenty-five years at the time he was sentenced to life imprisonment, he shall be
24 eligible for parole consideration if all of the following conditions have been met:

25 * * *

26 (vi) The person has obtained a ~~GED credential, unless the prisoner has~~
27 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
28 ~~being incapable of obtaining a GED credential due to a learning disability or because~~
29 ~~such programming is not available. If the prisoner is deemed incapable of obtaining~~

1 a ~~GED~~ credential, the person shall complete or completed at least one of the
2 following:

3 (aa) a A literacy program;

4 (bb) an An adult basic education program;

5 (cc) ~~or a~~ A job-skills training program.

6 (dd) A high school equivalency certificate.

7 (b) If the person was at least twenty-five years of age and under the age of
8 thirty-five years at the time he was sentenced to life imprisonment, he shall be
9 eligible for parole consideration if all of the following conditions have been met:

10 * * *

11 (vi) The person has obtained a ~~GED~~ credential, ~~unless the prisoner has~~
12 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
13 ~~being incapable of obtaining a GED credential due to a learning disability or because~~
14 ~~such programming is not available. If the prisoner is deemed incapable of obtaining~~
15 ~~a GED credential, the person shall complete~~ or completed at least one of the
16 following:

17 (aa) a A literacy program;

18 (bb) an An adult basic education program;

19 (cc) ~~or a~~ A job-skills training program.

20 (dd) A high school equivalency certificate.

21 (c) If the person was at least thirty-five years of age and under the age of
22 fifty years at the time he was sentenced to life imprisonment, he shall be eligible for
23 parole consideration if all of the following conditions have been met:

24 * * *

25 (vi) The person has obtained a ~~GED~~ credential, ~~unless the prisoner has~~
26 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
27 ~~being incapable of obtaining a GED credential due to a learning disability or because~~
28 ~~such programming is not available. If the prisoner is deemed incapable of obtaining~~

1 under the age of eighteen years at the time of the commission of the offense and
2 whose indictment for the offense is on or after August 1, 2017, shall be eligible for
3 parole consideration if all of the following conditions have been met:

4 * * *

5 (e) The offender has obtained a ~~GED certification, unless the offender has~~
6 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
7 ~~being incapable of obtaining a GED certification due to a learning disability. If the~~
8 ~~offender is deemed incapable of obtaining a GED certification, the offender shall~~
9 ~~complete~~ or completed at least one of the following:

10 * * *

11 (iv) A high school equivalency certificate.

12 * * *

13 G.(1) Notwithstanding any provision of law to the contrary, any person
14 serving a sentence of life imprisonment for a conviction of first degree murder (R.S.
15 14:30) or second degree murder (R.S. 14:30.1) who was under the age of eighteen
16 years at the time of the commission of the offense and whose indictment for the
17 offense was prior to August 1, 2017, shall be eligible for parole consideration
18 pursuant to the provisions of this Subsection if a judicial determination has been
19 made that the person is entitled to parole eligibility pursuant to Code of Criminal
20 Procedure Article 878.1(B) and all of the following conditions have been met:

21 * * *

22 (e) The offender has obtained a ~~GED certification, unless the offender has~~
23 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
24 ~~being incapable of obtaining a GED certification due to a learning disability. If the~~
25 ~~offender is deemed incapable of obtaining a GED certification, the offender shall~~
26 ~~complete~~ or completed at least one of the following:

27 * * *

28 (iv) A high school equivalency certificate.

29 * * *

1 J.(1) Notwithstanding any provision of law to the contrary, and except as
2 provided in Subsections D, E, F, G, and H of this Section, any person serving a term
3 or terms of imprisonment that result in a period of incarceration of twenty-five years
4 or more and who was under the age of eighteen years at the time of the commission
5 of the offense shall be eligible for parole consideration pursuant to the provisions of
6 this Subsection if all of the following conditions have been met:

7 * * *

8 (e) The offender has obtained a ~~GED certification, unless the offender has~~
9 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
10 ~~being incapable of obtaining a GED certification due to a learning disability. If the~~
11 ~~offender is deemed incapable of obtaining a GED certification, the offender shall~~
12 ~~complete~~ or completed at least one of the following:

13 * * *

14 (iv) A high school equivalency certificate.

15 * * *

16 §574.4.2. Decisions of committee on parole; nature, order, and conditions of parole;
17 rules of conduct; infectious disease testing

18 * * *

19 E.(1) Before the committee on parole places a person on parole, the
20 committee shall ~~determine if he has a high school diploma or its equivalent and, if~~
21 ~~he does not, the committee shall~~ condition parole upon the parolee's enrolling in or
22 completion of ~~and attending an adult education or reading program until he obtains~~
23 ~~a GED credential, or until he completes such educational programs required by the~~
24 ~~committee, and has attained a sixth grade reading level, or until his term of parole~~
25 ~~expires, whichever occurs first. All costs shall be paid by the parolee. If the~~
26 ~~committee finds that there are no adult education or reading programs in the parish~~
27 ~~in which the parolee is domiciled, the parolee is unable to afford such a program, or~~
28 ~~attendance would create an undue hardship on the parolee, the committee may~~
29 ~~suspend this condition of parole.~~ one of the following:

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 high school equivalency certificate.

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.
 - (d) At least 50 years of age.
- (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 high school equivalency certificate.

Present law (R.S. 15:574.4.2) provides for the decisions of the committee on parole.

Proposed law retains present law.

Present law (R.S. 15:574.4.2(E)) provides that before the committee on parole places a person on parole, the committee shall determine if he has a high school diploma or its equivalent and, if he does not, the committee shall condition parole upon the parolee's enrolling in and attending an adult education or reading program until he obtains a GED credential, or until he completes such educational programs required by the committee, and has attained a sixth grade reading level, or until his term of parole expires, whichever occurs first. Further provides that all costs shall be paid by the parolee and if the committee finds that there are no adult education or reading programs in the parish in which the parolee is domiciled, the parolee is unable to afford such a program, or attendance would create an undue hardship on the parolee, the committee may suspend this condition of parole.

Present law further provides that the provisions of present law shall not apply to those parolees who are mentally, physically, or by reason of age, infirmity, dyslexia, or other such learning disorders, unable to participate.

Proposed law amends present law to provide that before the committee on parole places a person on parole, the committee shall condition parole upon the parolee's enrolling in or completion of one of the following:

- (1) A literacy program.
- (2) An adult basic education program.

- (3) A job-skills training program.
- (4) A high school equivalency certificate.

Proposed law further amends present law to provide that the provisions of present law shall also not apply to parolees who have already obtained a high school equivalency certificate or high school diploma.

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

(Amends R.S. 15:574.2(C)(2)(e), 574.4(A)(4)(e), (B)(2)(a)(vi), (b)(vi), (c)(vi), and (d)(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.), and 574.4.2(E); 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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Relative to the powers and duties of the committee on parole, remove as a condition for parole eligibility, the exception for an offender who is deemed incapable of obtaining a GED and provide that an offender may be eligible for parole if he completes at least one of the following:
 - (a) A literacy program.
 - (b) An adult basic education program.
 - (c) A job-skills training program.
 - (d) A GED certification.
3. Relative to the decisions of the committee on parole, provides that before the committee places a person on parole, the committee shall condition parole upon the parolee's enrolling in or completion of one of the following:
 - (a) A literacy program.
 - (b) An adult basic education program.
 - (c) A job-skills training program.
 - (d) A GED certification.
4. Provide that enrollment in or completion of proposed law conditions for parole shall not apply to parolees who have already obtained a GED or high school diploma.

The House Floor Amendments to the engrossed bill:

1. Replace all references to "GED certification" with references to "high school equivalency certificate".