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## DIGEST

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HB 444 Reengrossed

2023 Regular Session

Freiberg

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

Present law (R.S. 15:574.2) provides for the powers and duties of the committee on parole.

Proposed law retains present law.

Present law (R.S. 15:574.2(C)(2)) provides that the committee on parole may grant parole with two votes of a three-member panel if certain conditions are met.

Proposed law retains present law.

Present law (R.S. 15:574.2(C)(2)(e)) provides that one of the conditions that an offender shall fulfill to be eligible for parole is if the offender has obtained a GED credential, unless the offender has previously obtained a high school diploma or 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 must complete at least one of the following: a literacy program, an adult basic education program, or 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) 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".