

ACT No. 276

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

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AN ACT

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), and (d)(vi), (D)(1)(e)(introductory paragraph), (E)(1)(e)(introductory paragraph), (F)(1)(e)(introductory paragraph), (G)(1)(e)(introductory paragraph), and (J)(1)(e)(introductory paragraph), and R.S. 15:574.4.2(E) and to enact 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), relative to parole eligibility for certain offenders; to provide relative to the conditions for parole eligibility; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. 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)(introductory paragraph), (E)(1)(e)(introductory paragraph), (F)(1)(e)(introductory paragraph), (G)(1)(e)(introductory paragraph), and (J)(1)(e)(introductory paragraph), and R.S. 15:574.4.2(E) are hereby amended and reenacted 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) are hereby enacted to read as follows:

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

* * *
C.
* * *

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

5 * * *

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

- 11 (i) a A literacy program,
- 12 (ii) ~~an~~ An adult basic education program,
- 13 (iii) ~~or a~~ A job skills training program.
- 14 (iv) A high school equivalency certificate.

15 * * *

16 §574.4. Parole; eligibility; juvenile offenders

17 A.

18 * * *

19 (4) Notwithstanding any other provision of law to the contrary, unless
20 eligible for parole at an earlier date, a person committed to the Department of Public
21 Safety and Corrections for a term or terms of imprisonment with or without benefit
22 of parole who has served at least ten years of the term or terms of imprisonment in
23 actual custody shall be eligible for parole consideration upon reaching the age of
24 sixty years if all of the following conditions have been met:

25 * * *

26 (e) The offender has obtained a GED credential, unless the offender 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. If the
29 offender is deemed incapable of obtaining a GED credential, the offender shall
30 ~~complete~~ or completed at least one of the following:

- 1 (i) a A literacy program;
- 2 (ii) ~~an~~ An adult basic education program;
- 3 (iii) ~~or a~~ A job-skills training program.
- 4 (iv) A high school equivalency certificate.

* * *

B.

* * *

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

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

* * *

(vi) The person has obtained ~~a GED credential, unless the prisoner 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 or because such programming is not available. If the prisoner is deemed incapable of obtaining a GED credential, the person shall complete~~ or completed at least one of the following:

- (aa) a A literacy program;
- (bb) ~~an~~ An adult basic education program;
- (cc) ~~or a~~ A job-skills training program.
- (dd) A high school equivalency certificate.

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

4 * * *

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

- 11 (aa) a A literacy program;
- 12 (bb) ~~an~~ An adult basic education program;
- 13 (cc) ~~or a~~ A job-skills training program.
- 14 (dd) A high school equivalency certificate.

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

18 * * *

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

- 25 (aa) a A literacy program;
- 26 (bb) ~~an~~ An adult basic education program;
- 27 (cc) ~~or a~~ A job-skills training program.
- 28 (dd) A high school equivalency certificate.

1 (d) If the person was at least fifty years of age at the time he was sentenced
2 to life imprisonment, he shall be eligible for parole consideration if all of the
3 following conditions have been met:

4 * * *

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

- 11 (aa) a A literacy program;
- 12 (bb) ~~an~~ An adult basic education program;
- 13 (cc) ~~or a~~ A job skills training program.
- 14 (dd) A high school equivalency certificate.

15 * * *

16 D.(1) Notwithstanding any provision of law to the contrary, any person
17 serving a sentence of life imprisonment who was under the age of eighteen years at
18 the time of the commission of the offense, except for a person serving a life sentence
19 for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S.
20 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this
21 Subsection if all of the following conditions have been met:

22 * * *

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

28 * * *

29 (iv) A high school equivalency certificate.

30 * * *

1 E.(1) Notwithstanding any provision of law to the contrary and except as
 2 provided in Subsection G of this Section, any person serving a sentence of life
 3 imprisonment for a conviction of first degree murder (R.S. 14:30) who was under the
 4 age of eighteen years at the time of the commission of the offense and whose
 5 indictment for the offense is on or after August 1, 2017, shall be eligible for parole
 6 consideration pursuant to the provisions of this Subsection if a judicial determination
 7 has been made that the person is entitled to parole eligibility pursuant to Code of
 8 Criminal Procedure Article 878.1(A) and all of the following conditions have been
 9 met:

10 * * *

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

16 * * *

17 (iv) A high school equivalency certificate.

18 * * *

19 F.(1) Notwithstanding any provision of law to the contrary and except as
 20 provided in Subsection G of this Section, any person serving a sentence of life
 21 imprisonment for a conviction of second degree murder (R.S. 14:30.1) who was
 22 under the age of eighteen years at the time of the commission of the offense and
 23 whose indictment for the offense is on or after August 1, 2017, shall be eligible for
 24 parole consideration if all of the following conditions have been met:

25 * * *

26 (e) The offender has obtained a ~~GED certification, unless the offender has~~
 27 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
 28 ~~being incapable of obtaining a GED certification due to a learning disability. If the~~

