

2024 Second Extraordinary Session

HOUSE BILL NO. 10

BY REPRESENTATIVE VILLIO

CRIMINAL/SENTENCING: Provides relative to diminution of sentence (Item #2)

1 AN ACT

2 To amend and reenact R.S. 15:571.5(C), to enact R.S. 15:571.3(G) and 571.3.1, and to
3 repeal R.S. 15:571.3(C) and (D) and 574.6.1 and Code of Criminal Procedure Article
4 895.6, relative to eligibility for good time credits; to provide relative to the automatic
5 earning of good time credits by offenders for good behavior; to provide for the
6 elimination of earned compliance credits while on probation or parole; to provide
7 relative to the earning of additional good time credit through participation and
8 completion of certain programs while incarcerated; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 15:571.5(C) is hereby amended and reenacted and R.S. 15:571.3(G)
12 and 571.3.1 are hereby enacted to read as follows:

13 §571.3. Diminution of sentence for good behavior

14 * * *

15 G. No person who commits an offense on or after August 1, 2024, shall be
16 eligible to earn nor be entitled to any diminution of sentence or good time, except as
17 provided in R.S. 15:571.3.1.

1 §571.3.1. Eligibility and applicability of diminution of sentence for crimes
2 committed on or after August 1, 2024

3 A. No person who commits an offense on or after August 1, 2024, shall be
4 eligible to earn nor be entitled to any diminution of sentence, hereinafter known as
5 "good time", except as provided in this Section.

6 B. Every offender in a parish prison or in custody of the Department of
7 Public Safety and Corrections, who has been convicted of a felony and sentenced to
8 imprisonment with or without hard labor, may earn diminution of sentence for good
9 behavior up to a maximum amount of fifteen percent of the particular sentence
10 imposed. The provisions of this Subsection shall not apply to any person who has
11 been convicted of a sex offense as defined in R.S. 15:541.

12 C. Every offender in a parish prison or in custody of the Department of
13 Public Safety and Corrections, who has been convicted of a felony and sentenced to
14 imprisonment with or without hard labor, may earn an additional diminution of
15 sentence as provided in R.S. 15:828. The provisions of this Subsection shall not
16 apply to any person who has been convicted of a sex offense as defined in R.S.
17 15:541.

18 D. There shall be no diminution of sentence or good time credit earned or
19 eligible to be earned on time served pursuant to Code of Criminal Procedure Article
20 880.

21 E. Any diminution of sentence or good time earned under this Section shall
22 be subject to forfeiture as provided in R.S. 15:571.4.

23 F. Any offender released because of diminution of sentence earned pursuant
24 to this Section shall be released subject to the provisions of R.S. 15:571.5. The
25 remainder of the original full term of sentence shall be served as if on unsupervised
26 parole for any offender released pursuant to this Subsection unless his parole is
27 revoked as provided in R.S. 15:571.5(C).

28 G. The secretary of the Department of Public Safety and Corrections shall
29 have sole power and authority to determine when good time has been earned and

1 when diminution of sentence may be allowed in accordance with the provisions of
2 this Section.

3 H. The secretary of the Department of Public Safety and Corrections shall
4 promulgate rules and regulations to govern the adoption of the provisions of this
5 Section as it relates to the earning of diminution of sentence, the method and
6 specifics for earning good time, and further defining the terms utilized in this
7 Section. The rules shall be adopted in accordance with the Administrative Procedure
8 Act.

9 * * *

10 §571.5. Supervision upon release after diminution of sentence for good behavior;
11 conditions of release; revocation

12 * * *

13 C. If such person's parole is revoked by the parole committee for violation
14 of the terms of parole, the person shall be recommitted to the department for the
15 remainder of the original full term, ~~subject to credit for time served for good~~
16 ~~behavior while on parole.~~

17 Section 2. R.S. 15:571.3(C) and (D) and 574.6.1 and Code of Criminal Procedure
18 Article 895.6 are hereby repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 10 Original 2024 Second Extraordinary Session Villio

Abstract: Provides relative to diminution of sentence.

Present law (R.S. 15:571.3) provides relative to the requirements that an offender needs to meet in order to be eligible for diminution of sentence for good behavior.

Proposed law retains present law.

Proposed law (R.S. 15:571.3(G)) provides that no person who commits an offense on or after Aug. 1, 2024, shall be eligible to earn nor be entitled to any diminution of sentence or good time, except as provided in proposed law (R.S. 15:571.3.1).

Proposed law (R.S. 15:571.3.1) provides that no person who commits an offense on or after Aug. 1, 2024, shall be eligible to earn nor be entitled to any diminution of sentence, known as "good time", except as provided in proposed law.

Proposed law provides that every offender in a parish prison or in custody of the Department of Public Safety and Corrections (DPS&C), who has been convicted of a felony and sentenced to imprisonment with or without hard labor, may earn diminution of sentence for good behavior up to a maximum amount of 15% of the particular sentence imposed, but proposed law shall not apply to any person who has been convicted of a sex offense as defined in present law (R.S. 15:541).

Proposed law provides that every offender in a parish prison or in custody of the DPS&C, who has been convicted of a felony and sentenced to imprisonment with or without hard labor, may earn an additional diminution of sentence as provided in present law (R.S. 15:828), but proposed law shall not apply to any person who has been convicted of a sex offense as defined in present law (R.S. 15:541).

Proposed law provides that there shall be no diminution of sentence or good time credit earned or eligible to be earned on time served pursuant to present law (C.Cr.P. Art. 880).

Proposed law provides that any diminution of sentence or good time earned under proposed law shall be subject to forfeiture as provided in present law (R.S. 15:571.4).

Proposed law provides that any offender released because of diminution of sentence earned pursuant to proposed law shall be released subject to the provisions of present law (R.S. 15:571.5). Further provides that the remainder of the original full term of sentence shall be served as if on unsupervised parole for any offender released pursuant to proposed law unless his parole is revoked as provided in present law (R.S. 15:571.5(C)).

Proposed law provides that the secretary of the DPS&C shall have sole power and authority to determine when good time has been earned and when diminution of sentence may be allowed in accordance with the provisions of proposed law.

Proposed law provides that the secretary of the DPS&C shall promulgate rules and regulations to govern the adoption of the provisions of proposed law as it relates to the earning of diminution or sentence, the method and specifics for earning good time, and further defining the terms utilized in proposed law. Further provides that the rules shall be adopted in accordance with the Administrative Procedure Act.

Present law (R.S. 15:571.5(C)) provides that, relative to a person's release on parole because of diminution of sentence, if such person's parole is revoked by the parole committee for violation of the terms of parole, the person shall be recommitted to the DPS&C for the remainder of the original full term, subject to credit for time served for good behavior while on parole.

Proposed law amends present law to provide that a person who is recommitted to DPS&C after revocation of parole earned for diminution of sentence is not subject to credit for time served for good behavior while on parole.

Present law (R.S. 15:571.3(C)) provides that diminution of sentence shall not be allowed for an inmate in the custody of the DPS&C if any of the following apply:

- (1) The inmate has been sentenced as an habitual offender under the Habitual Offender Law as set forth in present law (R.S. 15:529.1).
- (2) The trial court, in its discretion, prohibits the earning of such diminution of sentence for any person convicted of a violation of present law (R.S. 14:40.2).

Proposed law repeals present law.

Present law (R.S. 15:571.3(D)) provides that diminution of sentence shall not be allowed for any of the following:

- (1) An offender in a parish prison or in the custody of the DPS&C if the instant offense is a second offense crime of violence as defined by present law (R.S. 14:2(B)).
- (2) An offender in a parish prison or in the custody of the DPS&C if the instant offense is a sex offense as defined by present law (R.S. 15:541).

Proposed law repeals present law.

Present law (R.S. 15:574.6.1) provides relative to the availability of "earned compliance credits" that an offender may be able to earn through good behavior while on parole.

Proposed law repeals present law.

Present law (C.Cr.P. Art. 895.6) provides relative to the availability of "earned compliance credits" that an offender may be able to earn through good behavior while on probation.

Proposed law repeals present law.

(Amends R.S. 15:571.5(C); Adds R.S. 15:571.3(G) and 571.3.1; Repeals R.S. 15:571.3(C) and (D) and 574.6.1 and C.Cr.P. Art. 895.6)