

1 Paragraph (2) of this Subsection or in cases where the offender is released pursuant
2 to Paragraph (4) of this Subsection, three votes of a three-member panel shall be
3 required to grant parole, or, if the number exceeds a three-member panel, a
4 unanimous vote of those present shall be required to grant parole.

5 (2) Except in cases where the offender is released pursuant to Paragraph (4)
6 of this Subsection, the committee may grant parole with two votes of a three-member
7 panel, or, if the number exceeds a three-member panel, a majority vote of those
8 present **as provided in Paragraph (3) of this Subsection, three votes of a three-**
9 **member panel shall be required to grant parole or, if the number of members**
10 **of the panel exceeds three, a unanimous vote of those present shall be required**
11 **to grant parole and only** if all of the following conditions are met:

12 (a) ~~The offender has not been convicted of a sex offense as defined in R.S.~~
13 ~~15:541 or an offense which would constitute a sex offense as defined in R.S. 15:541,~~
14 ~~regardless of the date of conviction.~~

15 (b) The offender has not committed any major disciplinary offenses in the
16 ~~twelve~~ **thirty-six** consecutive months prior to the parole eligibility date. A major
17 disciplinary offense is an offense identified as a Schedule B offense by the
18 Department of Public Safety and Corrections in the Disciplinary Rules and
19 Procedures of Adult Offenders.

20 (c) ~~(b)~~ The offender has completed the mandatory minimum of one hundred
21 hours of pre-release programming in accordance with R.S. 15:827.1 if such
22 programming is available at the facility where the offender is incarcerated.

23 (d) ~~(c)~~ The offender has completed substance abuse treatment as applicable.

24 (e) ~~(d)~~ The offender has obtained or completed at least one of the following:

25 (i) A literacy program.

26 (ii) An adult basic education program.

27 (iii) A job skills training program.

28 (iv) A high school equivalency certificate.

29 (f) ~~(e)~~ The offender has obtained a low-risk level designation determined by

1 a validated risk assessment instrument approved by the secretary of the Department
2 of Public Safety and Corrections.

3 (3) Notwithstanding any other provision of law in this Section, no person
4 convicted of a crime of violence against any peace officer, as defined in R.S.
5 14:30(B), shall be granted parole except after a meeting, duly noticed and held on a
6 date to be determined by the chairman, at which at least five of the seven members
7 of the committee are present and all members present vote to grant parole.

8 (4) ~~Repealed by Acts 2019, No. 369, §4, eff. August 1, 2019.~~

9 D. In accordance with the provisions of this Part, the committee on parole
10 shall have the following powers and duties:

11 * * *

12 (8)(a) To notify the district attorney of the parish where the conviction
13 occurred **and the attorney general**. The notification shall be in writing and shall be
14 issued at least ~~sixty~~ **ninety** days prior to the hearing date. ~~For offenders eligible for~~
15 ~~release pursuant to Paragraph (C)(4) of this Section, the notification shall be in~~
16 ~~writing and shall be issued at least ninety days prior to the offender's administrative~~
17 ~~parole eligibility date. If the offender's charge or amended charge on the bill of~~
18 ~~information was a crime of violence as defined in R.S. 14:2(B) or a sex offense as~~
19 ~~defined in R.S. 15:541, the district attorney of the parish in which the conviction~~
20 ~~occurred shall have thirty days from the date of notification to object to the~~
21 ~~offender's release on administrative parole and may request that the committee on~~
22 ~~parole conduct a hearing.~~ The district attorney of the parish where the conviction
23 occurred **and the attorney general** shall be allowed to review the record of the
24 offender since incarceration, including but not limited to any educational or
25 vocational training, rehabilitative program participation, disciplinary conduct, and
26 risk assessment score. The district attorney **and the attorney general** shall be
27 allowed to present testimony to the committee on parole and submit information
28 relevant to the proceedings, ~~except as provided in Paragraph (C)(4) of this Section.~~

29 (b) ~~When requested, to~~ **To** notify the chief of police, where such exists, and

1 the sheriff and district attorney of the parish where the individual resides and the
2 conviction occurred. The notification shall be in writing and shall be issued at least
3 seven days prior to the release of any parolees residing within the jurisdiction of the
4 agency.

5 (9)(a) To notify the victim, or the spouse or next of kin of a deceased victim,
6 when the offender is scheduled for a parole hearing. The notification shall be in
7 writing and sent by mail or electronic communications no less than ~~sixty~~ ninety days
8 prior to the hearing date. The notice shall advise the victim, or the spouse or next of
9 kin of a deceased victim, how to obtain information about their rights with regard to
10 the hearing. The notice is not required when the victim, or the spouse or next of kin
11 of a deceased victim, advises the committee in writing that such notification is not
12 desired. The victim, or the spouse or next of kin of a deceased victim, shall be
13 allowed to testify at the hearing. The victim, or the spouse or next of kin of a
14 deceased victim, shall be allowed to testify directly, ~~or~~ **and** in rebuttal to testimony
15 or evidence offered by or on behalf of the offender, ~~or both~~.

16 (b) Notice by electronic communications is allowed only in instances where
17 the victim has opted in to ~~such form of~~ notification **by electronic communication**
18 during the registration process and **notification by electronic communication** is
19 complete upon transmission.

20 **(c) No scheduled parole hearing for any offender shall be conducted or**
21 **held unless and until the committee members have ensured compliance with all**
22 **notification requirements of this Subsection. Any order issued pursuant to a**
23 **hearing that was not conducted in compliance with the notice requirements of**
24 **this Subsection shall be null and void. The registered victim representative, the**
25 **district attorney, and the attorney general may appeal any order issued**
26 **pursuant to a hearing that was not conducted in compliance with the notice**
27 **requirements of this Subsection and to seek any available relief, including**
28 **injunctive relief. Any appeal pursuant to this Subparagraph shall suspend the**
29 **order of the Board of Pardons or committee on parole pending final**

1 ~~provisions of R.S. 15:574.4.~~

2 (iii) ~~Manslaughter (R.S. 14:31), for which the prisoner is eligible for parole~~
3 ~~pursuant to any of the provisions of R.S. 15:574.4.~~

4 * * *

5 D.(1) Except as provided in Paragraph (2) or (3) of this Subsection, the
6 release date of the prisoner shall be ~~fixed~~ **set forth** by the committee, but ~~such~~ **the**
7 **release** date shall ~~not be later than six months after the parole hearing or the most~~
8 ~~recent reconsideration of the prisoner's case~~ **be subject to modification, alteration,**
9 **or rescission for any reason deemed appropriate or necessary by the committee**
10 **at any time prior to the prisoner's signing of the certificate of parole and actual**
11 **release from custody onto parole supervision.**

12 * * *

13 **E. Notwithstanding any other provision of law to the contrary, the**
14 **committee on parole shall have the authority and sole discretion to rescind,**
15 **modify, reconsider, or otherwise alter any prior decision granting parole**
16 **release, for any reason deemed appropriate by the committee before an**
17 **offender's actual release from custody onto parole supervision. No offender**
18 **shall have or acquire any right to parole release based upon any initial decision**
19 **of the committee on parole before the offender's actual release from custody**
20 **onto parole supervision.**

The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jonathon Wagner.

DIGEST

SB 5 Reengrossed

2024 Second Extraordinary Session

McMath

Present law provides that the committee on parole meets in a minimum of three-member panels at the adult correctional institutions on regular scheduled dates, not less than every three months.

Proposed law retains present law.

Present law provides that three votes of a three-member panel are required to grant parole or, if the number exceeds a three-member panel, a unanimous vote of those present is required to grant parole.

Proposed law retains the three-vote and unanimous vote requirements of present law and adds that for parole to be granted, all of the following conditions must be met:

- (1) The offender has not committed any major disciplinary offenses in the 36 consecutive months prior to the parole eligibility date.
- (2) The offender has completed the mandatory minimum of 100 hours of pre-release programming, if such programming is available at the facility where the offender is incarcerated.
- (3) The offender has completed substance abuse treatment as applicable.
- (4) The offender has obtained or completed at least one of the following:
 - (a) A literacy program.
 - (b) An adult basic education program.
 - (c) A job skills training program.
 - (d) A high school equivalency certificate.
- (5) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Dept. of Public Safety and Corrections.

Present law provides that no person convicted of a crime of violence against any peace officer will be granted parole except after a meeting, duly noticed and held on a date to be determined by the chairman, at which at least five of the seven members of the committee are present and all members present vote to grant parole.

Proposed law retains present law.

Present law requires the committee on parole to notify in writing the district attorney of the parish where the conviction occurred of any parole hearing, at least 60 days prior to the hearing date.

Proposed law retains present law but changes the notice deadline to 90 days before the hearing and requires notice to the attorney general as well.

Present law allows the district attorney of the parish where the conviction occurred to review the record of the offender since incarceration, including any educational or vocational training, rehabilitative program participation, disciplinary conduct, and risk assessment score. Present law further allows the district attorney to present testimony to the committee on parole and submit information relevant to the proceedings.

Proposed law retains present law and adds that the attorney general is allowed to review the offender's record and present relevant testimony.

Present law requires the committee on parole, when requested, to notify in writing the chief of police, the sheriff, and the district attorney of the parish where the offender resides and the conviction occurred at least seven days before the offender is released.

Proposed law requires notice of the offender's release to the chief of police, sheriff, and district attorney without first receiving a request for notice.

Proposed law otherwise retains present law.

Present law requires the committee on parole to notify in writing the victim, or the spouse or next of kin of a deceased victim, when the offender is scheduled for a parole hearing, at least 60 days prior to the hearing date. Present law further requires this notice to advise the victim or deceased victim's spouse or next of kin how to obtain information about their rights with regard to the hearing. Present law further allows the victim or deceased victim's spouse or next of kin to testify at the parole hearing, directly and in rebuttal.

Proposed law retains present law but changes the notice deadline to 90 days before the hearing.

Proposed law provides that a parole hearing cannot be held unless and until the committee members have ensured compliance with all notification requirements of present law and proposed law. Proposed law further provides that any order issued pursuant to a hearing that was not conducted in compliance with the notice requirements of proposed law is null and void. Proposed law further provides that the registered victim representative, the district attorney, and the attorney general have the right to appeal any order issued pursuant to a hearing that was not conducted in compliance with the notice requirements of proposed law and to seek any available relief, including injunctive relief. Proposed law further provides that any appeal pursuant to proposed law suspends the order of the Board of Pardons or committee on parole pending final adjudication of the appeal.

Present law provides that parole hearings will be conducted in a formal manner in accordance with the rules formulated by the committee and with the provisions of present law. Present law further provides that before the parole of any prisoner is ordered, the prisoner must appear before and be interviewed by the committee on parole, except those incarcerated in parish prisons or parish correctional centers, in which case one committee member may conduct the interview. Present law further provides that the committee may order a reconsideration of the case or a rehearing at any time.

Proposed law retains present law and adds that the committee is to schedule parole hearings in the order in which the applications are filed, to the extent feasible.

Present law provides that beginning August 1, 2024, the committee on parole will not consider a parole rehearing of any prisoner who is serving a sentence for any of the following offenses until at least four years after the denial of parole:

- (1) Any crime of violence or sex offense for which the prisoner is serving a life sentence and for which the prisoner is eligible for parole pursuant to certain provisions of present law.
- (2) Any crime that is both a crime of violence and a sex offense for which the prisoner is serving a fixed term of years and for which the prisoner is eligible for parole pursuant to certain provisions of present law.
- (3) Manslaughter for which the prisoner is eligible for parole pursuant to certain provisions of present law.

Proposed law provides that beginning August 1, 2024, the committee will not consider a parole rehearing for any prisoner serving a sentence for any crime of violence or sex offense until at least five years after the denial of parole.

Proposed law prohibits a committee from considering a rehearing for a prisoner serving a sentence for a first offence crime of violence other than first, second, or third degree murder; first, second, or third degree rape; or a crime against nature until at least three years after a denial of parole.

Present law provides that the prisoner's release date is to be fixed by the committee, but the release date cannot be later than six months after the parole hearing or the most recent

reconsideration of the prisoner's case.

Proposed law provides that the prisoner's release date will be fixed by the committee, but deletes the six-month deadline for release and adds that the release date is subject to modification, alteration, or rescission for any reason deemed appropriate or necessary by the committee at any time prior to the prisoner's signing of the certificate of parole and actual release from custody onto parole supervision.

Proposed law provides that the committee on parole will have the authority and sole discretion to rescind, modify, reconsider, or otherwise alter any prior decision granting parole release, for any reason deemed appropriate by the committee. Proposed law further provides that no offender has or will acquire any right to parole release based upon any initial decision of the committee on parole.

Effective August 1, 2024.

(Amends R.S. 15:574.2(C) and (D)(8) and (9) and 574.4.1(A)(1) and (D)(1); adds R.S. 15:574.4.1(E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Provide that subsequent parole hearings for reconsideration will be scheduled to the extent feasible in the order in which the applications are filed.
2. Add provisions relative to the effect of a parole hearing held without complying with the notice requirements of proposed law.
3. Add provisions relative to certain parties' ability to appeal a parole decision issued from a hearing not in compliance with the notice provisions of proposed law.
4. Provide that certain provisions of proposed law apply before an offender's actual release from custody onto parole supervision.

Senate Floor Amendments to engrossed bill

1. Prohibit a committee from considering a rehearing for a prisoner serving a sentence for a first offense crime of violence other than first, second, or third degree murder; first, second, or third degree rape; or a crime against nature until at least three years after a denial of parole.