

2024 Regular Session

HOUSE BILL NO. 723

BY REPRESENTATIVE SCHLEGEL

1 AN ACT

2 To amend and reenact R.S. 15:572(A), 572.4(B)(1)(introductory paragraph) and (a) and (3)
3 and (C) through (E), and 572.5(B) and to enact R.S. 15:572.4(F) and (G) and
4 574.6.2, relative to clemency; to provide relative to notification procedures; to
5 provide relative to the approval or rejection of a favorable recommendation for
6 commutation or pardon; to provide relative to application procedures; to provide
7 relative to clemency hearings; to provide relative to clemency investigations; to
8 provide relative to the supervised release of certain offenders; to provide for
9 evaluations; to provide for duties of the Department of Public Safety and
10 Corrections; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 15:572(A), 572.4(B)(1)(introductory paragraph) and (a) and (3) and
13 (C) through (E), and 572.5(B) are hereby amended and reenacted and R.S. 15:572.4(F) and
14 (G) and 574.6.2 are hereby enacted to read as follows:

15 §572. Powers of governor to grant reprieves and pardons; automatic pardon for first
16 offender; payment of court costs required

17 A.(1) The governor may grant reprieves to persons convicted of offenses
18 against the state and, upon recommendation of the Board of Pardons as hereinafter
19 provided for by this Part, may commute sentences, pardon those convicted of
20 offenses against the state, and remit fines and forfeitures imposed for such offenses.
21 Notwithstanding any provision of law to the contrary, the governor shall not grant
22 any pardon to any person unless that person has paid all of the court costs which
23 were imposed in connection with the conviction of the crime for which the pardon
24 is to be issued.

1 (2) The governor shall notify the following individuals at least thirty days
2 before commuting a criminal sentence or granting a pardon to any person:

3 (a) The attorney general, the district attorney, the sheriff of the parish in
4 which the applicant was convicted, and, in Orleans Parish, the superintendent of
5 police.

6 (b) The victim or the spouse or next of kin of a deceased victim.

7 (3) The governor shall approve or reject a favorable recommendation for
8 commutation or pardon prior to the governor leaving office or upon expiration of the
9 governor's term.

10 * * *

11 §572.4. Board of Pardons; rules, regulations, and procedures; notice; restrictions on
12 applications; time periods for additional review

13 * * *

14 B.(1) Before considering the application for pardon or commutation of
15 sentence of any person, the board shall give written notice of the date and time at
16 which the application will be heard and considered, at least ~~thirty~~ ninety days prior
17 to the hearing, to the following:

18 (a) The attorney general, the district attorney, the sheriff of the parish in
19 which the applicant was convicted, and in Orleans Parish, the superintendent of
20 police.

21 * * *

22 (3) The attorney general, the district attorney, and any other persons who
23 desire to do so shall be given a reasonable opportunity to attend the meeting and be
24 heard.

25 C. Before setting a hearing on an application for pardon or commutation of
26 sentence, notice of application to the board for ~~clemency pardon~~ or commutation of
27 sentence shall be published on three separate days within a thirty-day period of time,
28 without cost to the state, in any newspaper recognized, at any time during the six-
29 month period prior to or following the publication of the first notice, as the official

1 journal of the governing authority of the parish where the offense occurred for which
2 the person was convicted.

3 D.(1) Notwithstanding any provisions of law to the contrary Except as
4 provided in Paragraph (2) of this Subsection, any applicant who has been sentenced
5 to life imprisonment shall not be eligible to apply to the board for a pardon or
6 commutation of sentence for a period of fifteen years after being sentenced by the
7 trial court, except that periods of time prior to the imposition of the sentence in
8 which the defendant was in actual custody for the offense for which he was
9 sentenced to life imprisonment shall be included in computing the fifteen-year
10 period.

11 (2) Any applicant who has been sentenced to life imprisonment for an
12 offense that is either a crime of violence as defined in R.S. 14:2(B) or a sex offense
13 as defined in R.S. 15:541 shall not be eligible to apply to the board for a pardon or
14 commutation of sentence for a period of twenty-five years after being sentenced by
15 the trial court, except that periods of time prior to the imposition of the sentence in
16 which the defendant was in actual custody for the offense for which he was
17 sentenced to life imprisonment shall be included in computing the twenty-five-year
18 period. A person who is serving a life sentence resulting from a commutation of a
19 sentence of death shall not thereafter be eligible to apply for commutation of
20 sentence to a specific number of years.

21 (3) If the application is denied, the applicant shall be notified in writing of
22 the reason for the denial and thereafter may file a new application to the board no
23 earlier than five years from the date of action by the board. Any subsequent
24 applications shall not be filed earlier than five years after the immediately preceding
25 action taken by the board.

26 (4) However, the The provisions of this Subsection shall not apply when the
27 board determines that new and material evidence that, notwithstanding the exercise
28 of reasonable diligence by the applicant, was not discovered before or during his
29 trial, is available, and if it had been introduced at the trial, it would probably have
30 changed the verdict or judgment of guilty.

1 E.(1) When no action is taken by the governor ~~on a recommendation~~ for
 2 clemency pardon or commutation of sentence issued by the board, the person seeking
 3 clemency pardon or commutation of sentence shall ~~not~~ be required to reapply to the
 4 board and the recommendation shall ~~not~~ expire upon the governor leaving office or
 5 upon the expiration of the governor's term in office and may be reviewed by the next
 6 governor to take office.

7 (2) The board shall adopt rules pursuant to the Administrative Procedure Act
 8 to provide for the provisions of this Subsection, ~~but the rules shall not require the~~
 9 ~~person seeking clemency to reapply when no action is taken by the governor on the~~
 10 ~~board's recommendation that the person receive clemency.~~

11 F. The board shall, to the extent feasible, schedule hearings for pardon or
 12 commutation of sentence in the order in which the applications are filed.

13 G. When the board notifies the governor that it has granted a favorable
 14 recommendation of an application for pardon or commutation of sentence, the board
 15 shall also provide simultaneous notice to the persons listed in Subsection B of this
 16 Section that this favorable recommendation has been sent to the governor for his
 17 approval.

18 §572.5. Information to be provided to Board of Pardons

19 * * *

20 B. The Department of Public Safety and Corrections may charge a fee not
 21 to exceed ~~one~~ two hundred ~~fifty~~ dollars for conducting the clemency investigation
 22 provided ~~for~~ in this Section.

23 * * *

24 §574.6.2. Supervised release; commuted sentences

25 A.(1) Any offender who has received a commuted sentence and who is
 26 released on parole or because of diminution of sentence shall be evaluated through
 27 a validated risk assessment instrument approved by the secretary of the Department
 28 of Public Safety and Corrections and shall have an approved residence plan prior to
 29 release.

1 (2) In approving the residence plan of the offender, the department shall
2 consider the likelihood that the offender will be able to comply with all of the
3 conditions of his parole.

4 B. The committee on parole may impose any special conditions of
5 supervision which may include participation in additional programming by the
6 offender as determined to be necessary by the validated risk-assessment instrument.

7 C. The department shall secure all relevant data and assist the offender in
8 formulating a release plan that includes any necessary conditions as determined by
9 the department.

10 D. Any offender who has received a commuted sentence and who is released
11 shall be placed on supervised release for the remainder of his sentence.

12 E. Notwithstanding any other provision of law to the contrary, any person
13 who was placed upon supervised release pursuant to the provisions of this Section
14 may petition the parole board for a termination of the supervision.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____