

GREEN SHEET REDIGEST

HB 208

2025 Regular Session

Villio

CRIMINAL/SENTENCING: Provides relative to eligibility for parole or diminution of sentence.

DIGEST

Present law (R.S. 15:529.2) provides for intensive parole supervision for certain habitual offenders.

Present law (R.S. 15:529.2(B)) further provides that the secretary of the Dept. of Public Safety and Corrections (DPS&C) may release offenders pursuant to present law if certain conditions are met. Further provides that one of these conditions is that the offender has not committed any major disciplinary offenses in the 12 consecutive months prior to release.

Proposed law retains present law generally but changes the duration that an offender must not commit any major disciplinary offenses from 12 months to 36 months.

Present law (R.S. 15:571.3) provides for diminution of sentence for good behavior.

Proposed law retains present law.

Proposed law (R.S. 15:571.3(C)) provides that diminution of sentence pursuant to present law shall not be allowed to be earned by an inmate in a parish prison or in the custody of the DPS&C if any of the following apply:

- (1) The inmate has been sentenced as a habitual offender under the Habitual Offender Law as set forth in present law (R.S. 15:529.1).
- (2) The instant offense is a sex offense.

Present law (R.S. 15:571.3) provides for eligibility and applicability of diminution of sentence for crimes committed on or after Aug. 1, 2024.

Proposed law retains present law generally.

Present law (R.S. 15:571.3.1(F)) provides that any offender released because of diminution of sentence earned pursuant to present 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 present law unless his parole is revoked as provided in present law (R.S. 15:571.5(C)).

Proposed law provides that an offender who has received a split sentence shall, upon release from incarceration, immediately begin serving the probationary period imposed. Further provides that any term of unsupervised parole shall be served concurrently with the probationary period.

Proposed law provides that if an offender is convicted for an offense that is committed while on unsupervised parole, the amount of good time earned or credits toward the reduction of the projected good time parole supervision date earned on that portion of his sentence prior to the conviction shall be served consecutively with the sentence imposed for the offense.

Proposed law provides definitions.

Present law (R.S. 15:574.4) provides for parole eligibility for certain offenders.

Present law further provides the following groups of offenders with eligibility for parole consideration if certain conditions have been met:

- (1) Any person committed to the 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 generally.

Proposed law retains present law generally but changes the duration that an offender must not commit any major disciplinary offenses from 12 months to 36 months.

Present law (R.S. 15:574.6) provides for the parole term when an offender is released on parole. Further provides that the term shall be for the remainder of the offender's sentence, with credits for compliance with the terms and conditions of parole supervision pursuant to prior law (R.S. 15:574.6.1), which was repealed by Act No. 7 of the 2024 2nd E.S.

Proposed law amends present law to remove the reference to compliance credits.

Present law (R.S. 15:574.9) provides for revocation of parole.

Proposed law retains present law.

Present law (R.S. 15:574.9(H)) provides for the sentences that an offender is required to serve when his parole supervision has been revoked for a technical violation.

Proposed law retains present law.

Proposed law provides that an offender in a custodial substance abuse treatment program shall serve not more than 180 days when his parole has been revoked for a technical violation.

Present law (R.S. 15:1199.24) provides for the Post-Conviction Veterans Mentor Program and eligibility requirements to be considered for the program.

Proposed law further provides that one of these conditions is that the offender has not committed any major disciplinary offenses in the 12 consecutive months prior to transfer.

Proposed law retains present law generally but changes the duration that an offender must not commit any major disciplinary offenses from 12 months to 36 months.

Present law (R.S. 15:574.9(F)) provides that when the parole of a parolee has been revoked by the committee for violation of the conditions of parole, the parolee shall be returned to the physical custody of the DPS&C, corrections services, and serve the remainder of his sentence as of the date of his release on parole, and any credit for time served for good behavior while on parole.

Present law further provides that the parolee shall be given credit for time served prior to the revocation hearing for time served in actual custody while being held for a parole violation in a local detention facility, state institution, or out-of-state institution pursuant to present law (C.Cr.P. Art. 880).

Proposed law repeals present law.

Proposed law provides for the creation of the Deportation Eligibility Hearing Committee within the La. Board of Pardons and provides that an offender will be granted parole, subject to certain conditions, for the purpose of deportation and that his custody will be transferred to the U.S. Dept. of Homeland Security if:

- (1) The offender is an alien who has either a final order of removal or a detainer issued by the U.S. Dept. of Homeland Security.
- (2) The offender is not serving a sentence for either a sex offense or for certain crimes of violence.
- (3) The offender has been approved for a deportation eligibility hearing by both the governor and the district attorney for the parish where convicted.

Proposed law provides that, for an offender who meets proposed law criteria, the committee will:

- (1) Conduct an expedited pre-hearing investigation.
- (2) Notify the district attorney and sheriff of the parish where the conviction was obtained and any registered victim at least 30 days prior to any deportation eligibility hearing.
- (3) Conduct an expedited deportation eligibility hearing.
- (4) Render its decision ordering or denying the release and transfer of the offender for the purpose of deportation or removal within seven days of the hearing.

Proposed law provides that any decision by the committee to grant an offender release on parole for the purpose of deportation or removal will include the following conditions of release:

- (1) The offender will only be released from physical state custody directly to the custody of the Dept. of Homeland Security and be held in its custody until the offender is physically removed from the U.S.

- (2) The remainder of the offender's sentence will be suspended upon the date the offender is transferred out of state custody.
- (3) If the offender is deemed to be ineligible for deportation or removal for any reason, the offender will be transferred back to state custody to serve the remainder of his current sentence.
- (4) If deported or removed from the U.S. the offender must remain outside of the U.S. and Louisiana and cannot attempt to reenter the country unless reentry is in compliance with federal law relative to aliens and nationality.
- (5) If the offender is discovered or detained within the U.S. after deportation or removal, the parole of the offender will be automatically revoked by the committee on parole and the offender will be remanded to state custody to serve out the balance of the suspended sentence.

Proposed law provides that if the committee grants a release on parole for the purposes of deportation or removal, the committee will issue all orders necessary to transfer or deliver the offender to the custody of the Dept. of Homeland Security. Proposed law further provides that upon release of the offender to the Dept. of Homeland Security, the committee will issue a warrant for the return of the offender to the custody of DPS&C to be executed if the offender is released from the custody of the Dept. of Homeland Security for any reason other than deportation or removal.

Proposed law provides that the committee has sole discretion, as provided by present law relative to finality of committee determinations, regarding its decision to release the offender pursuant to proposed law and no person has a right of appeal from the decision.

Proposed law provides for a statement of legislative intent.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:529.2(B)(3), 571.3.1(F), 574.4(A)(4)(b), (B)(2)(a)(iii), (b)(iii), (c)(iii), and (d)(iii), (D)(1)(b), (E)(1)(b), (F)(1)(b), (G)(1)(b), and (J)(1)(b), 574.6(intro. para.), 574.9(section heading) and (H)(1)(a)(i)(intro. para.), and 1199.24(A)(5); adds R.S. 15:571.3(C), 571.3.1(I), 574.9(H)(1)(a)(i)(dd), 574.71, and 574.72; repeals R.S. 15:574.9(F))

Summary of Amendments Adopted by Senate

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

1. Provide definitions.
2. Provide conditions that, if met, will allow for the parole and deportation of certain offenders.
3. Provide for the creation and duties of the Deportation Eligibility Hearing Committee of the committee on parole.
4. Provide release conditions for certain offenders.
5. Make technical changes.