

SENATE BILL NO. 201

BY SENATOR MORRIS

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 878.1 (A) and (D) and the
3 introductory paragraph of R.S. 15:574.4(G)(1), relative to juvenile sentencing; to
4 provide for a hearing to determine parole eligibility for certain juvenile offenders;
5 to provide for resentencing; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 878.1(A) and (D) are hereby amended
8 and reenacted to read as follows:

9 Art. 878.1. Hearing to determine parole eligibility for certain juvenile offenders

10 A.(1) If an offender is indicted on or after August 1, 2017, for the crime of
11 first degree murder (R.S. 14:30) where the offender was under the age of eighteen
12 years at the time of the commission of the offense, the district attorney may file a
13 notice of intent to seek a sentence of life imprisonment without possibility of parole
14 within one hundred eighty days after the indictment. If the district attorney timely
15 files the notice of intent, a hearing shall be conducted after conviction and prior to
16 sentencing to determine whether the sentence shall be imposed with or without
17 parole eligibility. If the court determines that the sentence shall be imposed with
18 parole eligibility, the offender shall be eligible for parole pursuant to ~~the provisions~~
19 ~~of R.S. 15:574.4(E)~~. If the district attorney fails to timely file the notice of intent, the
20 sentence shall be imposed with parole eligibility and the offender shall be eligible
21 for parole pursuant to ~~the provisions of R.S. 15:574.4(E)~~ without the need of a
22 judicial determination pursuant to ~~the provisions of~~ this Article. If the court
23 determines that the sentence shall be imposed without parole eligibility, the offender
24 shall not be eligible for parole.

25 **(2) If an offender is indicted on or after August 1, 2026, for the crime of**
26 **second degree murder (R.S. 14:30.1) where the offender was under the age of**

1 eighteen years at the time of the commission of the offense, the district attorney
 2 may file a notice of intent to seek a sentence of life imprisonment without
 3 possibility of parole within one hundred eighty days after the indictment. If the
 4 district attorney timely files the notice of intent, a hearing shall be conducted
 5 after conviction and prior to sentencing to determine whether the sentence shall
 6 be imposed with or without parole eligibility. If the court determines that the
 7 sentence shall be imposed with parole eligibility, the offender shall be eligible
 8 for parole pursuant to R.S. 15:574.4(G). If the district attorney fails to timely
 9 file the notice of intent, the sentence shall be imposed with parole eligibility and
 10 the offender shall be eligible for parole pursuant to R.S. 15:574.4(G) without the
 11 need of a judicial determination pursuant to this Article. If the court determines
 12 that the sentence shall be imposed without parole eligibility, the offender shall
 13 not be eligible for parole.

14 * * *

15 D. The sole purpose of the hearing is to determine whether the sentence shall
 16 be imposed with or without parole eligibility. The court shall state for the record the
 17 considerations taken into account and the factual basis for its determination.
 18 ~~Sentences imposed without parole eligibility and determinations that an offender is~~
 19 ~~not entitled to parole eligibility should normally be reserved for the worst offenders~~
 20 ~~and the worst cases. A reviewing court shall give paramount consideration to the~~
 21 ~~information considered by the trier of fact that rendered the original sentence.~~
 22 ~~In cases where a juvenile offender was originally sentenced to death after the~~
 23 ~~court considered but rejected youth as a mitigating factor, a reviewing court~~
 24 ~~shall not substitute its judgment for the judgment of the trier of fact unless the~~
 25 ~~trier of fact clearly abused its discretion and could not have reasonably reached~~
 26 ~~that result.~~

27 Section 2. The introductory paragraph of R.S. 15:574.4(G)(1) is hereby amended and
 28 reenacted to read as follows:

29 §574.4. Parole; eligibility; juvenile offenders

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