

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

30 \* \* \*

