

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Original House Bill No. 682 by Representative Katrina Jackson

1 This document reflects the content of a substitute bill but is not a bill form; page
2 numbers in this document DO NOT correspond to page numbers in the substitute bill
3 itself.

4 To amend and reenact R.S. 15:574.2(C)(2)(a) and 574.4(B)(1), to enact R.S. 15:824.2, and
5 to repeal R.S. 15:827.1(E)(3)(b), relative to parole; to provide relative to parole eligibility
6 for persons convicted of crimes of violence; to change the number of votes required to grant
7 parole for offenders convicted of a crime of violence who meet certain conditions; to provide
8 relative to the eligibility to participate in reentry preparation programs; to create the
9 Programs to Reduce Recidivism Fund; to provide for the purposes of the fund; to provide
10 for the appropriation of monies into the fund; to provide for the administration of the fund;
11 to provide for the distribution of monies from the fund; to provide relative to the calculation
12 of savings realized by the Department of Public Safety and Corrections; and to provide for
13 related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 15:574.2(C)(2)(a) and 574.4(B)(1) are hereby amended and
16 reenacted to read as follows:

17 §574.2. Committee on parole, Board of Pardons; membership; qualifications;
18 vacancies; compensation; domicile; venue; meetings; quorum; panels;
19 powers and duties; transfer of property to committee; representation of
20 applicants before the committee; prohibitions

21 \* \* \*

22 C.

23 \* \* \*

24 (2) The committee may grant parole with two votes of a three-member panel,
25 or, if the number exceeds a three-member panel, a majority vote of those present if
26 all of the following conditions are met:

27 (a) The offender has not been convicted of a ~~crime of violence as defined in~~
28 ~~R.S. 14:2(B)~~ or a sex offense as defined in R.S. 15:541, ~~or convicted of or~~ an offense
29 which would constitute a ~~crime of violence as defined in R.S. 14:2(B)~~ or a sex
30 offense as defined in R.S. 15:541, regardless of the date of conviction.

31 \* \* \*

32 §574.4. Parole; eligibility

33 \* \* \*

34 B.(1) No person shall be eligible for parole consideration who has been
35 convicted of armed robbery and denied parole eligibility under the provisions of R.S.
36 14:64. Except as provided in Paragraph (2) of this Subsection, and except as
37 provided in Subsections D and E of this Section, no prisoner serving a life sentence
38 shall be eligible for parole consideration until his life sentence has been commuted
39 to a fixed term of years. No prisoner sentenced as a serial sexual offender shall be
40 eligible for parole. No prisoner may be paroled while there is pending against him
41 any indictment or information for any crime suspected of having been committed by
42 him while a prisoner. Notwithstanding any other provisions of law to the contrary,
43 a person convicted of a crime of violence and not otherwise ineligible for parole shall
44 serve at least ~~eighty-five~~ seventy-five percent of the sentence imposed, before being
45 eligible for parole. The victim or victim's family shall be notified whenever the
46 offender is to be released provided that the victim or victim's family has completed
47 a Louisiana victim notice and registration form as provided in R.S. 46:1841 et seq.,
48 or has otherwise provided contact information and has indicated to the Department
49 of Public Safety and Corrections, Crime Victims Services Bureau, that they desire
50 such notification.

51 \* \* \*

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

1 Section 2. R.S. 15:824.2 is hereby enacted to read as follows:

2 §824.2. Programs to Reduce Recidivism Fund

3 A. The Programs to Reduce Recidivism Fund, hereinafter referred to as the  
 4 "fund", is hereby created in the state treasury. Interest earned on the investment of  
 5 monies in the fund shall be deposited in and credited to the fund. Unexpended and  
 6 unencumbered monies in the fund at the close of each fiscal year shall remain in the  
 7 fund. Monies in the fund shall be appropriated, administered, and used solely and  
 8 exclusively for the purposes provided by this Section.

9 B. The fund shall be comprised of all monies appropriated, donated, or  
 10 otherwise made available to provide funding for the purposes set forth in the  
 11 provisions of this Section. Any funds realized from a reduction in the amount of  
 12 time a person convicted of a crime of violence is required to serve prior to being  
 13 eligible for parole consideration as provided for in R.S. 15:574.4(B) shall also be  
 14 appropriated to the fund. All of such monies required to be deposited in the state  
 15 treasury in accordance with Article VII, Section 9(A) of the Constitution of  
 16 Louisiana shall be deposited in the fund after first meeting the requirements of  
 17 Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond  
 18 Security and Redemption Fund.

19 C. Monies in the fund shall be appropriated and used for the following  
 20 purposes:

21 (1) To defray the operational expenses of probation and parole and reentry  
 22 initiatives.

23 (2) To assist in establishing and reimbursing the operational expenses of  
 24 local corrections rehabilitative programs that do the following:

25 (a) Provide inmates housed in local facilities with fundamental resources in  
 26 the areas of employment, life skills training, and job placement.

27 (b) Provide the inmates with access to as many support services as possible  
 28 to appreciably increase the likelihood of successful reentry into society and to reduce  
 29 recidivism.

30 D. The fund shall be administered by the Louisiana Commission on Law  
 31 Enforcement and the Administration of Criminal Justice and the Department of  
 32 Public Safety and Corrections, hereinafter referred to as "the administrators".  
 33 Monies in the fund shall be distributed to probation and parole, reentry initiatives,  
 34 and local prison facilities through a grant program established by the administrators.  
 35 The administrators shall allocate funds as necessary for the purposes provided in  
 36 Subsection C of this Section. The administrators shall promulgate such rules,  
 37 regulations, and procedures as are necessary in administering the provisions of this  
 38 Section.

39 Section 3. R.S. 15:827.1(E)(3)(b) is hereby repealed in its entirety.

40 Section 4. The provisions of Sections 1 and 3 of this Act shall have prospective  
 41 application only and shall only apply to persons convicted on or after the effective date of  
 42 this Act.

43 Section 5. The Department of Public Safety and Corrections shall measure and  
 44 document cost savings from the implementation of this Act. The Department of Public  
 45 Safety and Corrections shall establish a baseline for measurement using the average number  
 46 of inmates incarcerated at each type of penal or correctional institution as defined in R.S.  
 47 15:824 and at local parish jails or institutions in Fiscal Year 2013-2014. The Department  
 48 of Public Safety and Corrections shall provide information regarding the estimated savings  
 49 to the legislature. The Louisiana Legislature shall appropriate the savings realized by the  
 50 provisions of this Act to be deposited in the fund created by, and for the purposes set forth  
 51 in, R.S. 15:824.2 enacted in Section 2 of this Act.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Katrina Jackson

HB No. 682

**Abstract:** Provides relative to parole for persons convicted of crimes of violence, creates the Programs to Reduce Recidivism Fund, and provides for the administration of, distribution from, and appropriation of monies into the fund.

Present law provides for parole eligibility for offenders convicted of a crime of violence upon serving 85% of the sentence imposed.

Proposed law amends present law to provide parole eligibility for these offenders upon serving 75% of the sentence imposed. Provides for prospective application of this provision of proposed law to apply only those persons convicted on or after the effective date of proposed law.

Present law provides that a unanimous vote of the committee on parole is required to grant parole for any person convicted of a crime of violence.

Present law provides that the committee on parole may grant parole with a majority vote for non-violent, non-sex offenders when certain conditions are met.

Proposed law amends present law to authorize the granting of parole by majority vote for a person convicted of a crime of violence when the conditions set forth in present law are met, including completion of at least 100 hours of a reentry preparation program as provided by present law.

Proposed law repeals the provision of present law which prohibits persons convicted of a crime of violence from being eligible to participate in the reentry preparation program and thus making such persons eligible for the granting of parole by majority vote.

Proposed law provides that these proposed law provisions regarding the majority vote and eligibility to participate in reentry preparation programs for persons convicted of a crime of violence are prospective and are only applicable to persons convicted on or after the effective date of proposed law.

Proposed law creates the Programs to Reduce Recidivism Fund which shall be administered by the La. Commission on Law Enforcement and the Administration of Criminal Justice and the Dept. of Public Safety and Corrections for the following purposes:

- (1) To defray the operational expenses of probation and parole and reentry initiatives.
- (2) To assist in establishing and reimbursing the operational expenses of local corrections rehabilitative programs .

Provides that any savings realized from the proposed law reduction in the amount of time a person convicted of a crime of violence is required to serve prior to being eligible for parole consideration shall be appropriated into the fund.

(Amends R.S. 15:574.2(C)(2)(a) and 574.4(B)(1); Adds R.S. 15:824.2; Repeals R.S. 15:827.1(E)(3)(b))