

Regular Session, 2014

HOUSE BILL NO. 1255 (Substitute for House Bill No. 682 by Representative Jackson)

BY REPRESENTATIVES KATRINA JACKSON, BADON, BURRELL, HONORE, AND
NORTON

CRIMINAL/SENTENCING: Provides relative to parole for persons convicted of crimes of violence and provides for the creation and administration of the Programs to Reduce Recidivism Fund

1 AN ACT

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

12 Be it enacted by the Legislature of Louisiana:

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

15 §574.2. Committee on parole, Board of Pardons; membership; qualifications;
16 vacancies; compensation; domicile; venue; meetings; quorum; panels;
17 powers and duties; transfer of property to committee; representation of
18 applicants before the committee; prohibitions

19 * * *

1 C.

2 * * *

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

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

10 * * *

11 §574.4. Parole; eligibility

12 * * *

13 B.(1) No person shall be eligible for parole consideration who has been
14 convicted of armed robbery and denied parole eligibility under the provisions of R.S.
15 14:64. Except as provided in Paragraph (2) of this Subsection, and except as
16 provided in Subsections D and E of this Section, no prisoner serving a life sentence
17 shall be eligible for parole consideration until his life sentence has been commuted
18 to a fixed term of years. No prisoner sentenced as a serial sexual offender shall be
19 eligible for parole. No prisoner may be paroled while there is pending against him
20 any indictment or information for any crime suspected of having been committed by
21 him while a prisoner. Notwithstanding any other provisions of law to the contrary,
22 a person convicted of a crime of violence and not otherwise ineligible for parole shall
23 serve at least ~~eighty-five~~ seventy-five percent of the sentence imposed, before being
24 eligible for parole. The victim or victim's family shall be notified whenever the
25 offender is to be released provided that the victim or victim's family has completed
26 a Louisiana victim notice and registration form as provided in R.S. 46:1841 et seq.,
27 or has otherwise provided contact information and has indicated to the Department

1 of Public Safety and Corrections, Crime Victims Services Bureau, that they desire
2 such notification.

3 * * *

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

5 §824.2. Programs to Reduce Recidivism Fund

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

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

22 C. Monies in the fund shall be appropriated and used for the following
23 purposes:

24 (1) To defray the operational expenses of probation and parole and reentry
25 initiatives.

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

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

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

4 D. The fund shall be administered by the Louisiana Commission on Law
5 Enforcement and the Administration of Criminal Justice and the Department of
6 Public Safety and Corrections, hereinafter referred to as "the administrators".
7 Monies in the fund shall be distributed to probation and parole, reentry initiatives,
8 and local prison facilities through a grant program established by the administrators.
9 The administrators shall allocate funds as necessary for the purposes provided in
10 Subsection C of this Section. The administrators shall promulgate such rules,
11 regulations, and procedures as are necessary in administering the provisions of this
12 Section.

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

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

17 Section 5. The Department of Public Safety and Corrections shall measure and
18 document cost savings from the implementation of this Act. The Department of Public
19 Safety and Corrections shall establish a baseline for measurement using the average number
20 of inmates incarcerated at each type of penal or correctional institution as defined in R.S.
21 15:824 and at local parish jails or institutions in Fiscal Year 2013-2014. The Department
22 of Public Safety and Corrections shall provide information regarding the estimated savings
23 to the legislature. The Louisiana Legislature shall appropriate the savings realized by the
24 provisions of this Act to be deposited in the fund created by, and for the purposes set forth
25 in, R.S. 15:824.2 enacted in Section 2 of this Act.

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)]

Katrina Jackson

HB No. 1255

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))