

Regular Session, 2014

SENATE BILL NO. 399

BY SENATORS MILLS AND MURRAY

PUBLIC SFTY/CORRECT DEPT. Provides with respect to the parole eligibility. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 15:574.4(A)(4)(b), (B)(2)(a)(iii), (iv) and (v), (B)(2)(b)(iii), (iv)
3 and (v), (B)(2)(c)(iii), (iv) and (v), (B)(2)(d)(iii),(iv) and (v), (D)(1)(b), and
4 (E)(1)(b), relative to parole eligibility; to require that disqualification for a
5 disciplinary offense be a major offense; to provide for definitions; to change time
6 frame for consideration of disciplinary offenses; to limit required services to those
7 available at facility where offender is incarcerated; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:574.4(A)(4)(b), (B)(2)(a)(iii), (iv) and (v), (B)(2)(b)(iii), (iv) and
10 (v), (B)(2)(c)(iii), (iv) and (v), (B)(2)(d)(iii),(iv) and (v), (D)(1)(b), and (E)(1)(b) are hereby
11 amended and reenacted to read as follows:

12 §574.4. Parole; eligibility

13 A.(1) * * *
14 * * *

15 (4) Notwithstanding any other provision of law to the contrary, unless eligible
16 for parole at an earlier date, a person committed to the Department of Public Safety
17 and Corrections for a term or terms of imprisonment with or without benefit of

1 parole who has served at least ten years of the term or terms of imprisonment in
2 actual custody shall be eligible for parole consideration upon reaching the age of
3 sixty years if all of the following conditions are met:

4 * * *

5 (b) The offender has not committed any **major** disciplinary offenses in
6 twelve consecutive months prior to the parole ~~eligibility~~ **hearing** date. **A major**
7 **disciplinary offense is an offense identified as a Schedule B offense by the**
8 **Department of Public Safety and Corrections in the Disciplinary Rules and**
9 **Procedures for Adult Offenders.**

10 * * *

11 B.(1) * * *

12 * * *

13 (2) Notwithstanding any provision of law to the contrary, any person serving
14 a life sentence, with or without the benefit of parole, who has not been convicted of
15 a crime of violence as defined by R.S. 14:2(B), a sex offense as defined by R.S.
16 15:541, or an offense, regardless of the date of conviction, which would constitute
17 a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S.
18 15:541, shall be eligible for parole consideration as follows:

19 (a) If the person was at least eighteen years of age and under the age of
20 twenty-five years at the time he was sentenced to life imprisonment, he shall be
21 eligible for parole consideration if all of the following conditions have been met:

22 * * *

23 (iii) The person has not committed any **major** disciplinary offenses in the
24 twelve consecutive months prior to the parole ~~eligibility~~ **hearing** date. **A major**
25 **disciplinary offense is an offense identified as a Schedule B offense by the**
26 **Department of Public Safety and Corrections in the Disciplinary Rules and**
27 **Procedures for Adult Offenders.**

28 (iv) The person has completed the mandatory minimum of one hundred hours
29 of pre-release programming in accordance with the provisions of R.S. 15:827.1, if

1 such programming is available at the facility where the offender is incarcerated.

2 (v) The person has completed substance abuse treatment, if applicable and
3 such treatment is available at the facility where the offender is incarcerated.

4 * * *

5 (b) If the person was at least twenty-five years of age and under the age of
6 thirty-five years at the time he was sentenced to life imprisonment, he shall be
7 eligible for parole consideration if all of the following conditions have been met:

8 * * *

9 (iii) The person has not committed any major disciplinary offenses in the
10 twelve consecutive months prior to the parole ~~eligibility~~ hearing date. A major
11 disciplinary offense is an offense identified as a Schedule B offense by the
12 Department of Public Safety and Corrections in the Disciplinary Rules and
13 Procedures for Adult Offenders.

14 (iv) The person has completed the mandatory minimum of one hundred hours
15 of pre-release programming in accordance with the provisions of R.S. 15:827.1, if
16 such programming is available at the facility where the offender is incarcerated.

17 (v) The person has completed substance abuse treatment, if applicable and
18 such treatment is available at the facility where the offender is incarcerated.

19 * * *

20 (c) If the person was at least thirty-five years of age and under the age of fifty
21 years at the time he was sentenced to life imprisonment, he shall be eligible for
22 parole consideration if all of the following conditions have been met:

23 * * *

24 (iii) The person has not committed any major disciplinary offenses in the
25 twelve consecutive months prior to the parole ~~eligibility~~ hearing date. A major
26 disciplinary offense is an offense identified as a Schedule B offense by the
27 Department of Public Safety and Corrections in the Disciplinary Rules and
28 Procedures for Adult Offenders.

29 (iv) The person has completed the mandatory minimum of one hundred hours

1 of pre-release programming in accordance with the provisions of R.S. 15:827.1, if
2 such programming is available **at the facility where the offender is incarcerated.**

3 (v) The person has completed substance abuse treatment, if applicable and
4 such treatment is available **at the facility where the offender is incarcerated.**

5 * * *

6 (d) If the person was at least fifty years of age at the time he was sentenced
7 to life imprisonment, he shall be eligible for parole consideration if all of the
8 following conditions have been met:

9 * * *

10 (iii) The person has not committed any **major** disciplinary offenses in the
11 twelve consecutive months prior to the parole **eligibility hearing** date. **A major**
12 **disciplinary offense is an offense identified as a Schedule B offense by the**
13 **Department of Public Safety and Corrections in the Disciplinary Rules and**
14 **Procedures for Adult Offenders.**

15 (iv) The person has completed the mandatory minimum of one hundred hours
16 of pre-release programming in accordance with the provisions of R.S. 15:827.1, if
17 such programming is available **at the facility where the offender is incarcerated.**

18 (v) The person has completed substance abuse treatment if applicable and
19 such treatment is available **at the facility where the offender is incarcerated.**

20 * * *

21 D.(1) Notwithstanding any provision of law to the contrary, any person
22 serving a sentence of life imprisonment who was under the age of eighteen years at
23 the time of the commission of the offense, except for a person serving a life sentence
24 for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S.
25 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this
26 Subsection if all of the following conditions have been met:

27 * * *

28 (b) The offender has not committed any **major** disciplinary offenses in the
29 twelve consecutive months prior to the parole **eligibility hearing** date. **A major**

1 **disciplinary offense is an offense identified as a Schedule B offense by the**
2 **Department of Public Safety and Corrections in the Disciplinary Rules and**
3 **Procedures for Adult Offenders.**

4 * * *

5 E.(1) Notwithstanding any provision of law to the contrary, any person
6 serving a sentence of life imprisonment for a conviction of first degree murder (R.S.
7 14:30) or second degree murder (R.S. 14:30.1) who was under the age of eighteen
8 years at the time of the commission of the offense shall be eligible for parole
9 consideration pursuant to the provisions of this Subsection if a judicial determination
10 has been made that the person is entitled to parole eligibility pursuant to Code of
11 Criminal Procedure Article 878.1 and all of the following conditions have been met:

12 * * *

13 (b) The offender has not committed any **major** disciplinary offenses in the
14 twelve consecutive months prior to the parole ~~eligibility~~ **hearing** date. **A major**
15 **disciplinary offense is an offense identified as a Schedule B offense by the**
16 **Department of Public Safety and Corrections in the Disciplinary Rules and**
17 **Procedures for Adult Offenders.**

18 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by James Benton.

DIGEST

Mills (SB 399)

Present law provides numerous criteria for parole eligibility and consideration. Each set of criteria requires that the offender has not committed any disciplinary offenses in the 12 consecutive months prior to the parole eligibility date.

Proposed law changes the criteria to require that the offender has not committed a "major disciplinary offense" and defines a "major disciplinary offense" as an offense identified as a Schedule B offense by DPS&C in the Disciplinary Rules and Procedures for Adult Offenders. Also, changes the relevant time period from the 12 months prior to the parole eligibility date to the 12 months prior to the parole hearing date.

Present law requires as part of the conditions for eligibility that the offender has completed the mandatory minimum of 100 hours of prerelease programming in accordance with present law, if available, and substance abuse treatment, if applicable and available.

Proposed law retains present law but consistently limits the requirement of such program and

treatment to that available at the facility where offender is incarcerated.

Effective August 1, 2014.

(Amends R.S. 15:574.4(A)(4)(b), (B)(2)(a)(iii), (iv) and (v), (B)(2)(b)(iii), (iv) and (v), (B)(2)(c)(iii), (iv) and (v), (B)(2)(d)(iii),(iv) and (v), (D)(1)(b), and (E)(1)(b))