

2016 Regular Session

HOUSE BILL NO. 264

BY REPRESENTATIVE MACK

JUVENILES/DELINQUENTS: Provides with respect to sentencing of juvenile offenders sentenced to life imprisonment for certain offenses

1 AN ACT

2 To enact R.S. 15:574.4(F) and (G), relative to juvenile parole eligibility; to provide for
3 parole eligibility for juveniles sentenced to life imprisonment without the possibility
4 of parole for certain homicide offenses; to provide for conditions; to provide for a
5 sentencing hearing for juvenile offenders convicted of certain homicide offenses; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:574.4(F) and (G) are hereby enacted to read as follows:

9 §574.4. Parole; eligibility

10 * * *

11 F.(1) Notwithstanding any provision of law to the contrary, and subject to
12 the provision of Subsection G of this Section, any person serving a sentence of life
13 imprisonment for a conviction of first degree murder (R.S. 14:30) or second degree
14 murder (R.S. 14:30.1) who was under the age of eighteen years at the time of the
15 commission of the offense and whose conviction became final prior to June 25,
16 2012, shall be eligible for parole consideration pursuant to the provisions of this
17 Subsection if all of the following conditions have been met:

18 (a) The offender has served thirty-five years of the sentence imposed.

19 (b) The offender has not committed any major disciplinary offenses in the
20 twelve consecutive months prior to the parole hearing date. For purposes of this

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

4 (c) The offender has completed the mandatory minimum of one hundred
5 hours of prerelease programming in accordance with the provisions of R.S. 15:827.1.

6 (d) The offender has completed substance abuse treatment as applicable.

7 (e) The offender has obtained a GED certification, unless the offender has
8 previously obtained a high school diploma or is deemed by a certified educator as
9 being incapable of obtaining a GED certification due to a learning disability. If the
10 offender is deemed incapable of obtaining a GED certification, the offender shall
11 complete at least one of the following:

12 (i) A literacy program.

13 (ii) An adult basic education program.

14 (iii) A job skills training program.

15 (f) The offender has obtained a low-risk level designation determined by a
16 validated risk assessment instrument approved by the secretary of the Department
17 of Public Safety and Corrections.

18 (g) The offender has completed a reentry program to be determined by the
19 Department of Public Safety and Corrections.

20 (2) For each offender eligible for parole consideration pursuant to the
21 provisions of this Subsection, the committee on parole shall meet in a three-member
22 panel, and each member of the panel shall be provided with and shall consider a
23 written evaluation of the offender by a person who has expertise in adolescent brain
24 development and behavior and any other relevant evidence pertaining to the
25 offender.

26 (3) The panel shall render specific findings of fact in support of its decision.

27 G. The district attorney may concede, in writing, parole eligibility pursuant
28 to Subsection F of this Section, or within two years from August 1, 2016, may

1 petition the court for a sentencing hearing to be conducted in accordance with the
2 provisions of Code of Criminal Procedure Article 878.1.

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)]

HB 264 Original

2016 Regular Session

Mack

Abstract: Provides for parole consideration for juveniles sentenced to life imprisonment for certain homicide offenses when certain conditions are met.

Present law provides that any person serving a sentence of life imprisonment for a conviction of first degree murder or second degree murder who was under the age of 18 at the time of the commission of the offense shall be eligible for parole consideration if a judicial determination has been made that the person is entitled to parole eligibility and provides that certain conditions are met.

In the case of *Montgomery v. Louisiana*, 577 U.S. ____ (January 25, 2016), the U.S. Supreme Court held that all juveniles (persons below 18) who were convicted of homicide (1st or 2nd degree murder), sentenced to a term of mandatory life without benefit of parole, and whose conviction become final prior to the *Miller v. Alabama*, 183 L.Ed.2d 407 (2012), decision, should now receive a sentencing hearing to determine if they should receive parole eligibility.

Proposed law automatically provides parole eligibility to those juveniles whose convictions became final prior to the *Miller* decision. The *Miller* decision was rendered June 25, 2012. Proposed law would make all persons whose convictions became final prior to this date eligible for parole subject to the same conditions previously set forth in present law.

Proposed law provides that any person serving a sentence of life imprisonment for a conviction of first degree murder or second degree murder who was under the age of eighteen years at the time of the commission of the offense and whose conviction became final prior to June 25, 2012, shall be eligible for parole consideration if all of the following conditions have been met:

- (1) The offender has served 35 years of the sentence imposed.
- (2) The offender has not committed any disciplinary offenses in the 12 consecutive months prior to the parole eligibility date.
- (3) The offender has completed a minimum of 100 hours of prerelease programming.
- (4) The offender has completed substance abuse treatment as applicable.
- (5) The offender has obtained a GED or, in certain circumstances, has completed a literacy program, an adult basic education program, or a job skills training program.
- (6) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of DPS&C.
- (7) The offender has completed a reentry program to be determined by DPS&C.

Proposed law further provides that for such parole decisions, the committee on parole shall meet in a three-member panel and each member of the panel shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence pertaining to the offender.

Proposed law requires the panel to render specific findings of fact in support of its decision.

Proposed law provides that the district attorney may concede, in writing, parole eligibility or, within two years from the effective date of proposed law, may petition the court for a sentencing hearing pursuant to present law.

(Adds R.S. 15:574.4(F) and (G))