

2016 Regular Session

SENATE BILL NO. 367

BY SENATOR CLAITOR

JUVENILE JUSTICE. Provides relative to certain juveniles sentenced to life without parole.
(gov sig)

1 AN ACT

2 To enact R.S. 15:574.4(F) and (G), relative to parole eligibility; to provide for parole
3 consideration for certain juveniles sentenced to life imprisonment without the
4 possibility of parole for certain homicide offenses; to provide for juveniles whose
5 convictions became final prior to June 25, 2012; to provide for conditions; and to
6 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**
12 **to 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**
14 **degree murder (R.S. 14:30.1) who was under the age of eighteen years at the**
15 **time of the commission of the offense and whose conviction became final prior**
16 **to June 25, 2012, shall be eligible for parole consideration pursuant to the**
17 **provisions of this Subsection if all of the following conditions have been met:**

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

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

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

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

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

15 (i) A literacy program.

16 (ii) An adult basic education program.

17 (iii) A job skills training program.

18 (f) The offender has obtained a low-risk level designation by a validated
19 risk assessment instrument approved by the secretary of the Department of
20 Public Safety and Corrections.

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

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

29 (3) The panel shall render specific findings of fact in support of its

decision.

G. The district attorney may concede, in writing, parole eligibility pursuant to Paragraph F of this Section, or within two years from the effective date of this Act, may petition the court for a sentencing hearing to be conducted pursuant to La. C.Cr. P. Art. 878.1.

Section 2. This Act shall become effective upon signature of the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley E. Menou.

DIGEST

SB 367 Original

2016 Regular Session

Claitor

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 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 retains present law and provides identical provisions if the conviction became final prior to June 25, 2012 and the same conditions in present law were met without requiring a judicial determination of that person's parole eligibility.

Present law provides that for such parole decisions, the board 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.

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

Proposed law retains present law and applies identical requirements for parole hearings and decisions under proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

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