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

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DIGEST

SB 424 Original

2016 Regular Session

Martiny

Present law provides for parole eligibility for a person committed to DPSC for a term or terms of imprisonment with or without benefit of parole for 30 years or more to be eligible for parole consideration upon serving at least 25 years of the term in actual custody when they reach age 45.

Present law further provides that such parole consideration will not be given to a person:

- (1) Serving a life sentence unless the sentence has been commuted to a fixed term of years.
- (2) Convicted of armed robbery.
- (3) Convicted of a crime of violence.
- (4) Convicted of a sex offense.

Proposed law retains present law, and adds that persons serving a life sentence as a serial sex offender or persons with a life sentence are also excluded from parole consideration after serving 25 years in actual custody of a 30 or more year sentence upon reaching age 45.

Proposed law provides parole eligibility after serving 25 years upon reaching age 45 if persons who were convicted for the first time of a crime of violence or convicted for a second time of a crime of violence if the person's first conviction was not a crime of violence.

Present law provides for parole eligibility for a person committed to DPSC for a term or terms of imprisonment with or without benefit of parole who has served at least 10 years in actual custody shall be eligible for parole if conditions are met and the offender was not convicted of:

- (1) A crime of violence.
- (2) A sex offense.
- (3) An offense which would constitute a crime of violence.
- (4) An offense which would constitute a sex offense.

Proposed law retains present law and adds, as condition of parole eligibility, that the offender has been convicted for the first time of a crime of violence or convicted for a second time of a crime of violence if the person's first conviction was not a crime of violence.

Present law provides that no person shall be eligible for parole consideration who has been convicted of armed robbery and denied parole eligibility and no prisoner serving a life sentence shall be eligible for parole consideration until his life sentence has been commuted to a fixed term of years.

Proposed law deletes present law.

Present law provides that no person sentenced as a serial sexual offender shall be eligible for parole and a person convicted of a crime of violence must serve at least 85% of their sentence before being eligible for parole.

Proposed law adds that a person sentenced to death shall be ineligible for parole.

Proposed law provides that a person convicted of a crime of violence and sentenced to a term or terms of years shall be eligible for parole.

Present law provides parole eligibility to a person convicted of a crime of violence or sex offense if the person was at least 18 and under 21 at the time he was sentenced to life imprisonment and has served at least 25 years of the sentence.

Proposed law provides parole eligibility to a person serving a life sentence, a person whose first conviction was a crime of violence, or a person whose second conviction was a crime of violence if their first conviction was not a crime of violence.

Proposed law decreases the amount of time that person must serve for parole eligibility from 25 years to 20.

Present law provides parole eligibility for persons serving a life sentence who was under 18 at the time of the commission of the offense, except those convicted of first or second degree murder, if the person has served 30 years of the sentence.

Proposed law decreases the amount of time that person must serve to 20 years.

Present law provides parole eligibility to a person serving a life sentence for a first or second degree murder conviction if the person was under 18 at the time of the commission of the offense, a judicial determination is made that the person is entitled to parole eligibility, and the person has served 35 years of the sentence.

Proposed law decreases the amount of time that person must serve to 25 years.

Effective August 1, 2016.

(Amends R.S. 15:574.4(A)(2), (A)(4)(intro para), (A)(4)(a), (B)(1), (B)(2)(intro para), (B)(2)(a)(i), (D)(1)(a), and (E)(1)(a))