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The original instrument was prepared by Ashley Menou. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alden A. Clement Jr.

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SB 367 Engrossed

DIGEST  
2016 Regular Session

Claitor

Present law provides relative to parole eligibility for certain imprisoned offenders under certain circumstances.

In *Miller v. Alabama*, 567 U.S. \_\_\_\_, 132 S.Ct. 2455 (2012), the Supreme Court held that mandatory life imprisonment without the possibility of parole for an offender under the age of 18 violates the 8th Amendment's prohibition on cruel and unusual punishment. Accordingly, present law provides that a 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 is eligible for parole 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 the Dept. of Public Safety and Corrections (DPSC).
- (7) The offender has completed a reentry program to be determined by DPSC.

Present law further provides that for such parole decisions, the parole board is to meet in a three-member panel and each member of the panel is to be provided with and 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.

In *Montgomery v. Louisiana*, 577 U.S. \_\_\_\_ (2016), the Supreme Court held that *Miller's* prohibition on mandatory life without parole for juveniles is to be applied retroactively. The court further held that a state may remedy a *Miller* violation by extending parole eligibility to juvenile offenders. Accordingly, proposed law makes present law relative to parole eligibility for certain juvenile offenders applicable to those offenders who were under the age of 18 years at the time of the commission of the offense and whose conviction became final prior to June 25, 2012, i.e., makes present law relative to parole eligibility for these offenders retroactive.

Proposed law otherwise retains present law.

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

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

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Delete provision relative to sentencing hearing from proposed law.