

2019 Regular Session

HOUSE BILL NO. 149

BY REPRESENTATIVE MARINO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PAROLE: Provides relative to various provisions affecting parole

1 AN ACT

2 To amend and reenact R.S. 15:571.5(B)(2), 574.4(C)(2)(a)(introductory paragraph) and (b),

3 574.4.1(A)(1) and (D)(1), 574.9(H)(1)(a)(introductory paragraph) and (iv),

4 827(A)(7), and 1111(I)(1), to enact R.S. 13:5401(B)(3)(d), R.S. 15:571.5(B)(3),

5 574.4.1(D)(3), and 574.9(H)(1)(a)(v), and to repeal R.S. 15:574.2(C)(4), relative to

6 parole; to provide relative to reentry court programs; to prohibit persons in reentry

7 court programs from being eligible for parole and from receiving diminution of

8 sentence for good behavior or participation in certain programs; to provide relative

9 to release of offenders on parole based on diminution of sentence for good behavior

10 or participation in certain programs; to authorize the committee on parole to impose

11 special conditions of supervision on certain offenders; to repeal provisions which

12 authorize the release of certain offenders on the offender's parole eligibility date; to

13 provide relative to the parole release date of a person who was sentenced as a

14 habitual offender for the purpose of participating in a work release program; to

15 amend the eligibility requirements of a work release program; to authorize

16 participation of a person sentenced as a habitual offender under certain

17 circumstances; to provide relative to technical violations committed by an offender

18 who is released on parole; to authorize the revocation of parole for certain technical

19 violations; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 13:5401(B)(3)(d) is hereby enacted to read as follows:

3 §5401. District courts; reentry courts; subject matter

4 * * *

5 B. Participation in the workforce development sentencing program as
6 authorized by the provisions of this Section shall be subject to the following
7 provisions:

8 * * *

9 (3) In offering a defendant the opportunity to request the program, the court
10 shall advise the defendant of the following:

11 * * *

12 (d) Notwithstanding any provision of law to the contrary, any offender
13 sentenced under this Section shall not be eligible for parole pursuant to R.S.
14 15:574.4(A)(1), nor earn "good time" pursuant to R.S. 15:571.3, or additional "good
15 time" credits for participation in certified treatment and rehabilitation programs
16 pursuant to R.S. 15:828 while in the program.

17 * * *

18 Section 2. R.S. 15:571.5(B)(2), 574.4(C)(2)(a)(introductory paragraph) and (b),
19 574.4.1(A)(1) and (D)(1), 574.9(H)(1)(a)(introductory paragraph) and (iv), 827(A)(7), and
20 1111(I)(1) are hereby amended and reenacted and R.S. 15:571.5(B)(3), 574.4.1(D)(3), and
21 574.9(H)(1)(a)(v) are hereby enacted to read as follows:

22 §571.5. Supervision upon release after diminution of sentence for good behavior;
23 conditions of release; revocation

24 * * *

25 B.

26 * * *

27 (2) For any prisoner released because of diminution of sentence pursuant to
28 this Part on or after August 1, 2020, the committee on parole may impose special
29 conditions of supervision which include participation in additional programming by

1 the prisoner as determined to be necessary by a validated risk-assessment tool
2 approved by the department.

3 (2)(3) The person released because of diminution of sentence pursuant to this
4 Part shall be supervised in the same manner and to the same extent as if he were
5 released on parole. The supervision shall be for the remainder of the original full
6 term of sentence. If a person released because of diminution of sentence pursuant
7 to this Part violates a condition imposed by the parole committee, the committee
8 shall proceed in the same manner as it would to revoke parole to determine if the
9 release upon diminution of sentence should be revoked.

10 * * *

11 §574.4. Parole; eligibility; juvenile offenders

12 * * *

13 C.

14 * * *

15 (2)(a) ~~Except as provided in R.S. 15:574.2(C)(4), in~~ In cases where the
16 offender has been convicted of, or where adjudication has been deferred or withheld
17 for the perpetration or attempted perpetration of a violation of a sex offense as
18 defined in R.S. 15:541 and parole is permitted by law and the offender is otherwise
19 eligible, the committee shall consider reports, assessments, and clinical information,
20 as available, including any testing and recommendations by mental health
21 professionals, as to all of the following:

22 * * *

23 (b) ~~Except as provided in R.S. 15:574.2(C)(4), the~~ The committee shall
24 render its decision ordering or denying the release of the prisoner on parole only after
25 considering this clinical evidence where such clinical evidence is available.

26 * * *

27 §574.4.1. Parole consideration and hearings

28 A.(1) The parole hearings shall be conducted in a formal manner in
29 accordance with the rules formulated by the committee and with the provisions of

1 this Part. ~~Except as provided in R.S. 15:574.2(C)(4), before~~ Before the parole of any
2 prisoner is ordered, such prisoner shall appear before and be interviewed by the
3 committee, except those incarcerated in parish prisons or parish correctional centers,
4 in which case one committee member may conduct the interview. The committee
5 may order a reconsideration of the case or a rehearing at any time.

6 * * *

7 D.(1) Except as provided in Paragraph (2) or (3) of this Subsection, the
8 release date of the prisoner shall be fixed by the committee, but such date shall not
9 be later than six months after the parole hearing or the most recent reconsideration
10 of the prisoner's case.

11 * * *

12 (3) When granting parole of a prisoner who was sentenced as a habitual
13 offender pursuant to R.S. 15:529.1, if the committee on parole determines that it is
14 necessary for the prisoner to participate in a work release program established
15 pursuant to R.S. 15:1111, the release date of the prisoner may be extended to no later
16 than one year after the parole hearing or the most recent reconsideration of the
17 prisoner's case.

18 * * *

19 §574.9. Revocation of parole for violation of condition; committee panels; return
20 to custody hearing; duration of reimprisonment and reparole after revocation;
21 credit for time served; revocation for a technical violation

22 * * *

23 H.(1)(a) Any offender who has been released on parole and who has been
24 determined by the committee on parole to have committed a technical violation of
25 the conditions of parole ~~as determined by the committee on parole~~, shall be required
26 to serve the following sentences:

27 * * *

28 (iv) For a fourth or subsequent violation, the court may order that the parole
29 be revoked, in accordance with Subsection B of this Section.

1 a low-risk level designation determined by a validated risk assessment instrument
 2 approved by the secretary of the Department of Public Safety and Corrections.
 3 Notwithstanding the provisions of this Section and unless the inmate is eligible at an
 4 earlier date, those inmates who have served a minimum of fifteen years in the
 5 custody of the department for those crimes enumerated in this Section shall be
 6 eligible to participate in a work release program during the last twelve months of
 7 their terms.

* * *

9 Section 3. R.S. 15:574.2(C)(4) is hereby repealed in its entirety.

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 149 Original

2019 Regular Session

Marino

Abstract: Provides relative to parole eligibility of offenders in a reentry court program, provides certain conditions of parole for habitual offenders and offenders released on "good time" parole, repeals the authority for administrative parole, provides relative to the parole release date of certain habitual offenders, and authorizes revocation for certain technical violations of parole.

Present law (R.S. 13:5401) authorizes each district court to establish a reentry division of court, and requires each established reentry division of court to establish a workforce development sentencing program. In this regard, present law requires the court, in offering a defendant the opportunity to request participation in the program, to advise the defendant of the following:

- (1) That participating in the program requires the defendant to waive the right to a trial, to enter a guilty plea, and be sentenced to the custody of Dept. of Public Safety and Corrections (DPS&C). After successful completion of the program, the defendant may petition the court to suspend the remainder of his sentence and be placed on probation under the intensive supervision of the reentry division of court.
- (2) That the court may impose any conditions reasonably related to the rehabilitation of the defendant, including ordering the defendant to participate and complete a substance abuse program.
- (3) That the defendant is required to pay the cost of any assessments, substance abuse tests, and treatment programs to which he is assigned and the cost of any additional supervision that may be required, to the extent of his financial resources.

Proposed law retains present law and further requires the court to advise the defendant that, while in the program, the defendant shall not be eligible for parole, nor earn "good time" or additional "good time" credits for participation in certified treatment rehabilitation programs.

Present law (R.S. 15:571.3) authorizes certain prisoners to earn a diminution of sentence, or "good time", by good behavior and performance of work or self-improvement activities, or both. Further provides the rate at which an offender earns good time based on the type of offense for which the offender was convicted and prohibits certain offenders from being eligible to earn good time. Present law (R.S. 15:571.5) provides that when a prisoner is released because of diminution of sentence, he shall be released as if released on parole and supervised in the same manner as persons released on parole.

Proposed law retains present law and adds that for any prisoner released because of diminution of sentence pursuant to present law on or after Aug. 1, 2020, the committee on parole may impose special conditions of supervision which include participation in additional programming by the prisoner as determined to be necessary by a validated risk-assessment tool approved by the department.

Present law (R.S. 15:574.2(C)(4)) provides "administrative parole" for offenders who are otherwise eligible for parole and who commit an offense on or after Nov. 1, 2020, other than a crime of violence or a sex offense. Administrative parole allows the offender to be released on the date of his parole eligibility without a hearing before the committee on parole if the offender meets certain requirements set forth in present law, including the requirement that the offender complete a case plan developed by DPS&C. In this regard, present law requires DPS&C to notify the committee on parole in writing of an offender's compliance or noncompliance with the case plan not less than 60 days before an offender's administrative parole release date.

Proposed law repeals present law removing the availability of "administrative parole" and the requirement that DPS&C notify the committee on parole of the offender's compliance or noncompliance with the case plan.

Present law (R.S. 15:574.4.1) provides that when the committee on parole grants parole, the release date shall be fixed by the committee on parole and cannot exceed a period of six months after the parole hearing or the most recent consideration of the inmate's case. However, present law authorizes the committee on parole to extend this period to a maximum of nine months after the parole hearing or the most recent consideration of the inmate's case, if the committee on parole determines that to ensure public safety and the offender's opportunity for success, completion of one or more specific rehabilitative programs is required prior to the inmate's release.

Proposed law retains present law and further authorizes the committee on parole, when granting parole of a prisoner who was sentenced as a habitual offender pursuant to present law (R.S. 15:529.1), to extend this period to a maximum of one year after the parole hearing or the most recent reconsideration of the prisoner's case if the committee on parole determines that it is necessary for the prisoner to participate in a work release program. Proposed law further amends the eligibility requirements for the present law (R.S. 15:1111) work release program to allow for participation by such offenders.

Present law (R.S. 15:574.9) provides that any offender who has been released on parole and who has been determined by the committee on parole to have committed a technical violation of the conditions of parole, as defined by present law, shall be required to serve the following sentences for such violations:

- (1) For the first technical violation, not more than 15 days.
- (2) For a second technical violation, not more than 30 days.
- (3) For a third or subsequent technical violation, not more than 45 days.
- (4) For custodial substance abuse treatment programs, not more than 90 days.

Proposed law retains present law and adds that for a fourth or subsequent violation, the court may order that the offender's parole be revoked in accordance with the provisions of present law.

(Amends R.S. 15:571.5(B)(2), 574.4(C)(2)(a)(intro. para.) and (b), 574.4.1(A)(1) and (D)(1), 574.9(H)(1)(a)(intro. para.) and (iv), 827(A)(7), and 1111(I)(1); Adds R.S. 13:5401(B)(3)(d), R.S. 15:571.5(B)(3), 574.4.1(D)(3), and 574.9(H)(1)(a)(v); Repeals R.S. 15:574.2(C)(4))