
DIGEST

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HB 149 Engrossed

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 and certain provisions relative to intensive parole supervision, 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 amends present law to provide that for a third violation, the offender is required to serve a sentence of up to 45 days, and for a fourth or subsequent violation, the offender may be required to serve a sentence of up to 90 days.

Present law (R.S. 15:574.4.4) provides that certain offenders are eligible for intensive parole supervision upon successful completion of an intensive incarceration program established and administered under present law. In this regard, present law provides that when an offender completes intensive incarceration, the committee on parole shall review the case of the offender and recommend either that the offender be released on intensive parole supervision or that the offender serve the remainder of his sentence as provided by law.

Proposed law removes from present law the intensive parole supervision program established within the intensive incarceration program. In this regard, proposed law deletes from present law the provision which requires the committee on parole to review the case of an offender who completes the intensive incarceration program and the committee's authority to recommend that the offender be released on intensive parole supervision. Makes further technical changes to provisions of present law regarding sanctions for probation revocation and parole of habitual offenders and sex offenders to conform with the repeal of the intensive parole supervision program established under present law (R.S. 15:574.4.4).

(Amends R.S. 15:529.2(A), 571.5(B)(2), 574.4(C)(2)(a)(intro. para.) and (b), 574.4.1(A)(1) and (D)(1), 574.4.3(B), 574.4.4, 574.9(H)(1)(a)(intro. para.), (iii), and (iv), 827(A)(7), and 1111(I)(1) and C.Cr.P. Art. 901.1; 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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove the authority of the committee on parole to revoke the parole of an offender who commits a fourth or subsequent technical violation and instead require the offender to serve a sentence of up to 90 days.

2. Delete the provision which requires the committee on parole to review the case of an offender who completes the intensive incarceration program provided for in present law and the committee's authority to recommend that the offender be released on intensive parole supervision, and make other technical amendments with regard to this change.