

2020 Regular Session

HOUSE BILL NO. 541

BY REPRESENTATIVE DUPLESSIS

PAROLE: Provides relative to parole eligibility for certain persons

1 AN ACT

2 To amend and reenact R.S. 15:574.4(A)(1)(b)(i) and (2), (B)(1) and (2)(introductory  
3 paragraph), and (H)(1), relative to parole eligibility; to allow certain persons with  
4 fixed sentences to be eligible for parole consideration after a certain time period; to  
5 allow certain persons serving life sentences to be eligible for parole consideration  
6 after a certain time period; to remove certain prohibitions against eligibility for  
7 parole consideration; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:574.4(A)(1)(b)(i) and (2), (B)(1) and (2)(introductory paragraph),  
10 and (H)(1) are hereby amended and reenacted to read as follows:

11 §574.4. Parole; eligibility; juvenile offenders

12 A.(1)

13 \* \* \*

14 (b)(i) A person, otherwise eligible for parole, whose instant offense is a  
15 second or subsequent conviction of a crime of violence as defined in R.S. 14:2(B)  
16 or a first or ~~second~~ subsequent conviction of a sex offense as defined in R.S. 15:541  
17 shall be eligible for parole consideration upon serving seventy-five percent of the  
18 sentence imposed. ~~A person convicted a third or subsequent time of a crime of~~  
19 ~~violence as defined in R.S. 14:2(B) or a third or subsequent time of a sex offense as~~  
20 ~~defined in R.S. 15:541 shall not be eligible for parole.~~

21 \* \* \*

1 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection or any  
2 other law to the contrary, unless eligible for parole at an earlier date, a person  
3 committed to the Department of Public Safety and Corrections for a term or terms  
4 of imprisonment with or without benefit of parole for thirty years or more shall be  
5 eligible for parole consideration upon serving at least twenty years of the term or  
6 terms of imprisonment in actual custody ~~and upon reaching the age of forty-five.~~  
7 This provision shall not apply to a person serving a life sentence unless the sentence  
8 has been commuted to a fixed term of years. ~~The provisions of this Paragraph shall~~  
9 ~~not apply to any person who has been convicted under the provisions of R.S. 14:64.~~  
10 ~~The provisions of this Paragraph shall not apply to any person who has been~~  
11 ~~convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as~~  
12 ~~defined in R.S. 15:541.~~

13 \* \* \*

14 B.(1) ~~No person shall be eligible for parole consideration who has been~~  
15 ~~convicted of armed robbery and denied parole eligibility under the provisions of R.S.~~  
16 ~~14:64. Except as provided in Paragraph (2) of this Subsection, and except as~~  
17 ~~provided in Paragraph (A)(5) and Subsections D, E, and H of this Section, no~~  
18 ~~prisoner serving a life sentence shall be eligible for parole consideration until his life~~  
19 ~~sentence has been commuted to a fixed term of years. No prisoner sentenced as a~~  
20 ~~serial sexual offender shall be eligible for parole. No prisoner may be paroled while~~  
21 ~~there is pending against him any indictment or information for any crime suspected~~  
22 ~~of having been committed by him while a prisoner. Notwithstanding any other~~  
23 ~~provisions of law to the contrary, a person convicted of a crime of violence and not~~  
24 ~~otherwise ineligible for parole shall serve at least sixty-five percent of the sentence~~  
25 ~~imposed, before being eligible for parole. The victim or victim's family shall be~~  
26 ~~notified whenever the offender is to be released provided that the victim or victim's~~  
27 ~~family has completed a Louisiana victim notice and registration form as provided in~~  
28 ~~R.S. 46:1841 et seq., or has otherwise provided contact information and has indicated~~

1 to the Department of Public Safety and Corrections, Crime Victims Services Bureau,  
2 that they desire such notification.

3 (2) Notwithstanding any provision of law to the contrary, any person serving  
4 a life sentence, with or without the benefit of parole, ~~who has not been convicted of~~  
5 ~~a crime of violence as defined by R.S. 14:2(B), a sex offense as defined by R.S.~~  
6 ~~15:541, or an offense, regardless of the date of conviction, which would constitute~~  
7 ~~a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S.~~  
8 ~~15:541~~, shall be eligible for parole consideration as follows:

9 \* \* \*

10 H.(1) Notwithstanding any provision of law to the contrary, an offender  
11 serving a life sentence ~~for second degree murder (R.S. 14:30.1)~~, shall be eligible for  
12 parole consideration pursuant to the provisions of this Subsection if ~~all of the~~  
13 ~~following conditions are met:~~

14 (a) ~~The offender committed the offense after July 2, 1973, and prior to~~  
15 ~~June 29, 1979.~~

16 (b) ~~The~~ the offender has served at least ~~forty~~ thirty years of the sentence  
17 imposed.

18 \* \* \*

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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)]

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HB 541 Original

2020 Regular Session

Duplessis

**Abstract:** Allows for parole eligibility for certain persons who meet certain requirements.

Present law provides that a person, otherwise eligible for parole, whose instant offense is a second conviction of a crime of violence or a first or a second conviction of a sex offense shall be eligible for parole consideration upon serving 75% of the sentence imposed.

Present law further prohibits a person convicted a third or subsequent time of a crime of violence or a third or subsequent time of a sex offense from parole eligibility.

Proposed law removes the present law prohibition and provides that persons convicted of a sex offense or second or subsequent time for a crime of violence shall be eligible for parole consideration upon serving 75% of the sentence imposed.

Present law provides that unless eligible for parole at an earlier date, a person committed to the Dept. of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole for 30 years or more shall be eligible for parole consideration upon serving at least 20 years of the term or terms of imprisonment in actual custody and upon reaching the age of 45.

Further provides that present law does not apply to a person serving a life sentence unless the sentence has been commuted to a fixed term of years. Provides that present law shall not apply to a person convicted of armed robbery, a crime of violence, or a sex offense.

Proposed law amends present law to remove the age 45 requirement and removes the prohibition on eligibility for parole considerations for persons convicted of armed robbery, a crime of violence, or a sex offense.

Present law prohibits eligibility for parole consideration for a person who has been convicted of armed robbery and denied parole eligibility. Further provides that 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 and no person sentenced as a serial sex offender shall be eligible for parole.

Proposed law deletes present law.

Present law provides that an offender serving a life sentence for second degree murder shall be eligible for parole consideration if all of the following conditions are met:

- (1) The offender committed the offense after July 2, 1973, and prior to June 29, 1979.
- (2) The offender has served at least 40 years of the sentence imposed.

Present law further requires a unanimous vote of the committee on parole.

Proposed law amends present law to provide that an offender serving a life sentence shall be eligible for parole consideration if the offender has served at least 30 years of the sentence imposed. Proposed law retains the present law requirement for a unanimous vote of the committee on parole.

(Amends R.S. 15:574.4(A)(1)(b)(i) and (2), (B)(1) and (2)(intro. para.), and (H)(1))