Regular Session, 1999

HOUSE BILL NO. 424

1

BY REPRESENTATIVES WINDHORST AND JENKINS

PARDON/PAROLE: (Constitutional Amendment) Requires a favorable recommendation by the Board of Pardons before pardons, commutations, or remittances may be granted by the governor

A JOINT RESOLUTION

2	Proposing to amend Article IV, Section 5(E)(1) of the Constitution of
3	Louisiana, to require a favorable recommendation by the Board of
4	Pardons before certain gubernatorial actions may be taken; to provide
5	for submission of the proposed amendment to the electors; and to
6	provide for related matters.
7	Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of
8	the members elected to each house concurring, that there shall be submitted
9	to the electors of the state of Louisiana, for their approval or rejection in the
10	manner provided by law, a proposal to amend Article IV, Section 5(E)(1) of
11	the Constitution of Louisiana, to read as follows:
12	§5. Governor; Powers and Duties
13	Section 5.
14	* * *
15	(E) Pardon, Commutation, Reprieve, and Remission; Board of
16	Pardons.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

(1) The governor may grant reprieves to persons convicted of		
offenses against the state and, upon favorable recommendation of the		
Board of Pardons, may commute sentences, pardon those convicted of		
offenses against the state, and remit fines and forfeitures imposed for		
such offenses. However, a first offender never previously convicted of		
a felony shall be pardoned automatically upon completion of his		
sentence, without a recommendation of the Board of Pardons and		
without action by the governor.		
* * *		
Section 2. Be it further resolved that this proposed amendment shall be		
submitted to the electors of the state of Louisiana at the gubernatorial primary		
election to be held in 1999.		
Section 3. Be it further resolved that on the official ballot to be used		
at said election there shall be printed a proposition, upon which the electors		
of the state shall be permitted to vote FOR or AGAINST, to amend the		
Constitution of Louisiana, which proposition shall read as follows:		
To provide that the governor may not commute sentences,		
pardon persons convicted of offenses against the state, and remit		

Article IV, Section 5(E)(1))

fines and forfeitures imposed for such offenses without a

favorable recommendation by the board of pardons. (Amends

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Windhorst, Jenkins

HB No. 424

<u>Present constitution</u> provides that the governor, upon recommendation of the Board of Pardons, may commute sentences, pardon persons convicted of offenses against the state, and remit fines and forfeitures imposed for such offenses.

<u>Proposed constitutional amendment</u> clarifies that any recommendation by the Board of Pardons upon which the governor relies on taking such an action must be a favorable recommendation.

Provides for submission of the proposed amendment to the voters at the gubernatorial primary election in 1999.

(Amends Const. Art. IV, §5(E)(1))

Summary of Amendments Adopted by House

Committee Amendments Proposed by <u>House Committee on Civil Law</u> and <u>Procedure</u> to the <u>engrossed</u> bill.

1. Makes technical changes to the ballot language.