

Regular Session, 1999

SENATE BILL NO. 217

BY SENATOR MALONE

PARDON/PAROLE. Constitutional amendment to repeal the automatic pardon except for persons convicted of a non-violent crime committed while under the age of twenty-one.

1 A JOINT RESOLUTION

2 Proposing to amend Article IV, Section 5(E)(1) of the Constitution of  
3 Louisiana; to delete the automatic pardon provision except for persons  
4 convicted of a non-violent crime committed while under the age of  
5 twenty-one; to specify an election date for submission of the  
6 proposition to electors and provide a ballot proposition.

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, for their approval or rejection in the manner  
10 provided by law, a proposal to Amend Article IV, Section 5(E)(1) of the  
11 Constitution of Louisiana, to read as follows:

12 §5. Governor; Powers and Duties  
13 (E) Pardon, Commutation, Reprieve, and Remission; Board of  
14 Pardons.

15 \* \* \*

16 (1) The governor may grant reprieves to persons convicted of

1 offenses against the state and, upon recommendation of the Board of  
 2 Pardons, may commute sentences, pardon those convicted of offenses  
 3 against the state, and remit fines and forfeitures imposed for such  
 4 offenses. However, a first offender **convicted of a non-violent crime**  
 5 **committed while under the age of twenty-one and** never previously  
 6 convicted of a felony shall be pardoned automatically upon completion  
 7 of his sentence, without a recommendation of the Board of Pardons and  
 8 without action by the governor.

9 \* \* \*

10 Section 2. Be it further resolved that this proposed amendment shall be  
 11 submitted to the electors of the state at the gubernatorial election to be held in  
 12 2000.

13 Section 3. Be it further resolved that on the official ballot to be used at  
 14 the election there shall be printed a proposition, upon which the electors of the  
 15 state shall be permitted to vote FOR or AGAINST, to amend the Constitution  
 16 of Louisiana, which proposition shall read as follows:

17 To repeal the automatic pardon provision except for persons  
 18 convicted of a non-violent crime committed while under the age  
 19 of twenty-one. (Amends Article IV, Section 5(E)(1))

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jean Lord Clyburn.

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#### DIGEST

Present constitution provides for an automatic pardon for a first offender never previously convicted of a felony upon completion of his sentence, without a recommendation of the Board of Pardons and without action by the governor.

Proposed constitutional amendment provides an automatic pardon only for a first offender convicted on a non-violent crime committed while he was under the age of twenty-one. The other conditions would still apply.

(Const. Art. IV, Sec. 5(E)(1))