

Regular Session, 1999

SENATE BILL NO. 217

BY SENATOR MALONE

PARDON/PAROLE. Constitutional amendment to limit the automatic pardon to persons convicted of a non-violent crime.

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A JOINT RESOLUTION

Proposing to amend Article IV, Section 5(E)(1) of the Constitution of Louisiana, relative to the powers and duties of the governor; to limit the automatic pardon provision to persons convicted of a non-violent crime; to specify an election date for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article IV, Section 5(E)(1) of the Constitution of Louisiana, to read as follows:

§5. Governor; Powers and Duties

* * *

(E) Pardon, Commutation, Reprieve, and Remission; Board of Pardons.

(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 never previously convicted of a felony shall be pardoned automatically
 6 upon completion of his sentence, without a recommendation of the
 7 Board of Pardons and without action by the governor.

8 * * *

9 Section 2. Be it further resolved that this proposed amendment shall be
 10 submitted to the electors of the state at the gubernatorial election to be held in
 11 1999.

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

16 To limit the automatic pardon provision to persons convicted of
 17 a non-violent crime. (Amends Article IV, Section 5(E)(1))

The original instrument was prepared by Jean Lord. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

Malone (SB 217)

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 clarifies that the automatic pardon for a first offender is only for those convicted on a non-violent crime.

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

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Removes the restriction that the non-violent crime be committed by one under age 21.