
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)]

HB 316 Original

2017 Regular Session

Magee

Abstract: Provides relative to community supervision and the ways in which an offender may serve his sentence through community supervision.

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 amends the rates at which offenders earn good time based on the offense for which the offender was convicted and the date of the conviction and expands eligibility to earn good time to certain offenders who are prohibited from earning good time under present law.

Present law (R.S. 15:574.2 et seq.) provides relative to parole, including powers and duties of the committee on parole, parole eligibility, parole considerations and hearings, decisions of the committee on parole, procedures for release on parole, conditions of release on parole, supervision while released on parole, use of administrative sanctions, and parole revocations.

Proposed law does all of the following relative to parole:

- (1) Provides for the administrative release of an offender on the offender's parole eligibility date when the victim of the offense has not requested a hearing before the committee on parole and certain conditions are met including completion of a written case plan developed for the offender by the Dept. of Public Safety and Corrections.
- (2) Amends the amount of time a person is required to serve before becoming parole eligible for certain offenders, and provides parole eligibility for certain offenders who do not have parole eligibility under present law.
- (3) Amends procedures for parole hearings and the granting of parole for certain sex offenders relative to the notice given to the victim of the offense.
- (4) Amends present law to authorize the department to use administrative sanctions for all persons released on parole and to reward those persons who comply with conditions of their

release and for positive behavior that exceeds those conditions.

- (5) Relative to parole revocations, prohibits the use of incarceration for certain "lowest-level" violations of release conditions, expands the definition of "technical violation", provides relative to the length of incarceration for technical violations, and provides relative to the issuance of a detainer for the commission of a new crime.

Present law (R.S. 15:828) authorizes the Dept. of Public Safety and Corrections to establish a program whereby certain prisoners may earn credits toward the reduction of their projected good time parole supervision date by participating in certain certified treatment and rehabilitation programs. Further provides for the amount of credits that may be earned by the prisoner for each program and the total amount of credits that may be earned. Present law prohibits prisoners convicted of certain offenses from earning credits under this program.

Proposed law removes the limit on the amount that the prisoner may earn per program and expands eligibility to earn credits under this program to certain offenders, and authorizes offenders to receive credits for participating in the inmate rehabilitation and workforce development program established in present law.

Present law (C.Cr.P. Art. 893) authorizes the court to suspend or defer the sentence of a person who is convicted of certain offenses and place the offender on probation. Further provides relative to conditions of probation, probation supervision, violations of probation conditions, use of administrative sanctions for persons on probation, and probation revocations.

Proposed law does all of the following:

- (1) Authorizes the court to suspend the sentence of offenders after a third conviction of a noncapital felony.
- (2) Amends eligibility and conditions of probation for certain offenders convicted of DWI offenses.
- (3) Decreases the amount of time a person can be on probation to three years.
- (4) Amends present law to authorize the department to use administrative sanctions for all persons on probation and to reward those persons who comply with conditions of their release and for positive behavior that exceeds those conditions.
- (5) Relative to probation revocations and violations, prohibits the use of incarceration for certain "lowest-level" violations of release conditions, expands the definition of "technical violation", and provides relative to the length of incarceration for technical violations.

(Amends R.S. 15:571.3(B)(1)(a) and (b)(intro. para.), (2), (3), and (4) and (D), 574.2(C)(1) and (2)(intro. para.) and (D)(9), 574.4(A)(1) and (B)(1), 574.4.1(A)(1), 574.4.2(B), 574.4.3(A)(1), 574.7(B)(1)(intro. para.) and (4), 574.9(D), (E), (F), and (G), and 828(B) and (C) and C.Cr.P. Arts.

893(A) and (B), 899.1(A)(intro. para.) and (D), and 900(A)(5), (6)(b), (c), and (d), (B), and (C); Adds R.S. 15:574.2(C)(4), 574.7(B)(2)(a)(ix), (h), and (5), 574.9(H), 827(A)(7), and 828(D) and C.Cr.P. Arts. 893(G), 899.1(B)(1)(i) and (8) and (E), and 900(A)(6)(e) and (f); Repeals C.Cr.P. Art. 900(A)(7)