

2017 Regular Session

HOUSE BILL NO. 205

BY REPRESENTATIVES BOUIE AND SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PARDON/PAROLE: Provides relative to the length of time certain applicants are required to wait before applying for a pardon or commutation of sentence

1 AN ACT

2 To amend and reenact R.S. 15:572.4(D), relative to pardons; to provide relative to the time
3 periods in which persons serving a life sentence may apply for a pardon or
4 commutation of sentence; to reduce the length of time an applicant is required to
5 wait before filing a subsequent application after a denial; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:572.4(D) is hereby amended and reenacted to read as follows:

9 §572.4. Board of Pardons; rules, regulations, and procedures; notice; restrictions on
10 applications; time periods for additional review

11 * * *

12 D. Notwithstanding any provisions of law to the contrary, any applicant who
13 has been sentenced to life imprisonment shall not be eligible to apply to the board
14 for a pardon or commutation of sentence for a period of fifteen years after ~~being~~
15 ~~sentenced by the trial court~~ the arrest of the applicant. If the application is denied,
16 the applicant shall be notified in writing of the reason for the denial and thereafter
17 may file a new application to the board no earlier than ~~five~~ three years from the date
18 of action by the board. Any subsequent applications shall not be filed earlier than
19 ~~five~~ three years after the immediately preceding action taken by the board. However,
20 the provisions of this Subsection shall not apply when the board determines that new

1 and material evidence that, notwithstanding the exercise of reasonable diligence by
2 the applicant, was not discovered before or during his trial, is available, and if it had
3 been introduced at the trial, it would probably have changed the verdict or judgment
4 of guilty.

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 205 Engrossed

2017 Regular Session

Bouie

Abstract: Amends the time periods for persons serving life sentences to apply for a pardon or commutation of sentence.

Present law provides that persons sentenced to life imprisonment are ineligible to apply to the Board of Pardons for a pardon or commutation of sentence for 15 years after being sentenced by the trial court.

Proposed law amends present law to provide that a person is ineligible to apply for a pardon or commutation of sentence for 15 years after his arrest.

Present law provides that if the initial application is denied, the applicant may file a new application to the board no earlier than five years from the date of action of the board. Provides that any subsequent applications cannot be filed earlier than five years from the preceding action by the board.

Proposed law reduces these periods of time from five to three years.

(Amends R.S. 15:572.4(D))