

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 provide relative to the time periods prior to an
5 imposition of a life sentence; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §572.4. Board of Pardons; rules, regulations, and procedures; notice; restrictions on
9 applications; time periods for additional review

10 * * *

11 D. Notwithstanding any provisions of law to the contrary, any applicant who
12 has been sentenced to life imprisonment shall not be eligible to apply to the board
13 for a pardon or commutation of sentence for a period of fifteen years after being
14 sentenced by the trial court, except that periods of time prior to the imposition of the
15 sentence in which the defendant was in actual custody for the offense for which he
16 was sentenced to life imprisonment shall be included in computing the fifteen-year
17 period. If the application is denied, the applicant shall be notified in writing of the
18 reason for the denial and thereafter may file a new application to the board no earlier
19 than five years from the date of action by the board. Any subsequent applications
20 shall not be filed earlier than five years after the immediately preceding action taken

1 by the board. However, the provisions of this Subsection shall not apply when the
2 board determines that new and material evidence that, notwithstanding the exercise
3 of reasonable diligence by the applicant, was not discovered before or during his
4 trial, is available, and if it had been introduced at the trial, it would probably have
5 changed the verdict or judgment 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 Reengrossed

2017 Regular Session

Bouie

Abstract: Provides relative to 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 an exception that periods of time prior to the imposition of the sentence in which the defendant was in actual custody for the offense he was sentenced to life imprisonment shall be included in computing the 15-year period.

Present law further 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 retains present law.

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

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Restore present law which provides that an applicant sentenced to life imprisonment is eligible to apply to the board for a pardon or commutation of sentence 15 years after being sentenced by the trial court.
2. Provide that periods of time that the defendant was in actual custody for the offense prior to imposition of sentence shall be included in computing the 15-year period.
3. Restore present law relative to the five-year time period an applicant is required to wait before filing a subsequent application after the initial application is denied.