
DIGEST

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HB 1077 Engrossed

2022 Regular Session

Gaines

Abstract: Provides relative to conviction in cases in which a non-unanimous jury verdict was rendered.

Present law provides for the grounds of post conviction relief.

Present law provides relative to parole eligibility for certain offenders.

Proposed law adds an additional ground for convictions rendered by a verdict from a non-unanimous jury.

Proposed law authorizes DPS&C to create and establish the Special Committee on Parole for Non-unanimous Jury Convictions (special committee) for the purpose of reviewing all cases in which a non-unanimous jury verdict was rendered prior to 2018. Provides for the composition and duties of the board. Further authorizes the DPS&C to adopt rules and regulations necessary to carry out proposed law.

Proposed law provides that the special committee shall consist of three retired appellate court judges or supreme court justices appointed by the governor, one retired district attorney or assistant district attorney appointed by the governor from a list of three nominations by the La. District Attorneys Assoc., one retired public defender or assistant public defender appointed by the governor from a list of three nominations by the La. Public Defender Board, and one ad hoc member from each of the categories established by proposed law.

Proposed law requires petitioner to submit a certified copy of the entirety of the record upon which the petitioner's application is based, any testimony of the petitioner or victim, as provided by R.S. 46:1842, et seq., and any written statement submitted by the district attorney of the judicial district where the conviction was obtained. Further provides permissive factors that the special committee may consider in determining whether the non-unanimous verdict resulted in a miscarriage of justice.

Proposed law requires a favorable vote of three of the five members of the special committee for an affirmative finding that the petitioner's conviction was both the result of a non-unanimous jury verdict and the non-unanimous verdict resulted in a miscarriage of justice.

Proposed law requires a unanimous vote of the special committee for an affirmative finding that the petitioner's conviction was both the result of a non-unanimous jury verdict and the non-unanimous verdict resulted in a miscarriage of justice for petitioners serving a life sentence.

Proposed law provides that no application for post conviction relief shall be considered if it is filed more than one year after the effective date of this statute.

Proposed law provides that if an application is granted resulting in parole release, the petitioner's term of supervised release shall be the remaining term of the original sentence of conviction or as commuted by the governor. Further provides that upon completion of a minimum of one-half of the term of parole supervision or 25 years, whichever is less, the offender may subsequently petition the committee on parole for consideration of early termination of parole supervision, as provided by proposed law (R.S. 15:574.7(E)).

Proposed law provides for a termination date three years after the effective date of proposed law or upon a ruling that Ramos v. Louisiana is retroactive, which is earlier.

Proposed law provides for retroactive application.

Proposed law provides that a petitioner that avails himself of the provisions of this Act shall not be prohibited from obtaining additional relief.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 15:574.2.2)