

2022 Regular Session

SENATE BILL NO. 304

BY SENATOR CATHEY

CRIME/PUNISHMENT. Provides relative to commutation of a prison sentence for good behavior. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 15:571.3(B)(1)(a), the introductory paragraph of (C), (D), and
3 (F) and to enact R.S. 15:571.3(G), relative to diminution of a sentence for good
4 behavior; to provide for reduction of good time credit for offenders convicted of
5 murder of first responders and peace officers; to provide that good time credit does
6 not include incarceration prior to conviction for certain offenses; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:571.3(B)(1)(a), the introductory paragraph of (C), (D), and (F) are
10 hereby amended and reenacted and R.S. 15:571.3(G) is hereby enacted to read as follows:

11 §571.3. Diminution of sentence for good behavior

12 * * *

13 B.(1)(a) Unless otherwise prohibited, every offender in the custody of the
14 department who has been convicted of a felony, except an offender convicted a
15 second time of a crime of violence as defined by R.S. 14:2(B) **or as provided in**
16 **Subsection F of this Section**, and sentenced to imprisonment for a stated number of
17 years or months, may earn, in lieu of incentive wages, a diminution of sentence by

1 good behavior and performance of work or self-improvement activities, or both, to
 2 be known as "good time". Those offenders serving life sentences will be credited
 3 with good time earned which will be applied toward diminution of their sentences
 4 at such time as the life sentences might be commuted to a specific number of years.
 5 The secretary shall establish regulations for awarding and recording of good time and
 6 shall determine when good time has been earned toward diminution of sentence. The
 7 amount of diminution of sentence allowed under the provisions of this Section shall
 8 be at the rate of thirteen days for every seven days in actual custody served on the
 9 imposed sentence, including time spent in custody with good behavior prior to
 10 sentencing for the particular sentence imposed as authorized by the provisions of
 11 Code of Criminal Procedure Article 880.

12 * * *

13 C. Diminution of sentence shall not be allowed **to be earned by** an inmate
 14 in the custody of the Department of Public Safety and Corrections if any of the
 15 following apply:

16 * * *

17 D.(1) Diminution of sentence shall not be allowed **to be earned by** an
 18 offender in the custody of the Department of Public Safety and Corrections if the
 19 instant offense is a second offense crime of violence as defined by R.S. 14:2(B).

20 (2) Diminution of sentence shall not be allowed **to be earned by** an offender
 21 in the custody of the Department of Public Safety and Corrections if the instant
 22 offense is a sex offense as defined by R.S. 15:541.

23 * * *

24 F. **Notwithstanding any other provision of law to the contrary, a person**
 25 **convicted in the death of a victim who was a peace officer or first responder**
 26 **shall earn diminution of sentence at a rate of one day for every thirty days in**
 27 **custody. Calculations under this Subsection shall not include time spent in**
 28 **custody prior to conviction.**

29 G. No later than August first of each year, the Department of Public Safety

1 and Corrections shall submit an annual report to the legislature relative to offenders
2 released from custody during the preceding fiscal year pursuant to the provisions of
3 this Section. This report shall include the following information:

4 (1) The name and offender number of the released offender.

5 (2) The date on which the offender was released.

6 (3) The offense for which the offender was incarcerated at the time of his
7 release, including whether the offense was a crime of violence as defined in R.S.
8 14:2(B) or a sex offense as defined in R.S. 15:541.

9 (4) A grid which shows the earliest release date that offenders would have
10 been eligible for release notwithstanding the provisions of Section 3 of Act No. 280
11 of the 2017 Regular Session of the Legislature.

12 (5) Whether the offender obtained a GED certification or completed a literacy
13 program, an adult basic education program, or a job skills training program before
14 being released from custody.

15 (6) Any information relative to juvenile offenders that is exempt from release
16 pursuant to a public records request or otherwise considered confidential by law shall
17 be redacted from the report provided for by this Subsection.

18 Section 2. This Act shall become effective upon signature by the governor, or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

The original instrument was prepared by Whitney Kauffeld. The following
digest, which does not constitute a part of the legislative instrument, was
prepared by Cheryl Serrett.

SB 304 Reengrossed

DIGEST
2022 Regular Session

Cathey

Present law provides that diminution of a sentence is not allowed to an inmate in the Dept. of Public Safety and Corrections if the offender has been sentenced as a habitual offender or when the trial court prohibits the earning to a person convicted of stalking. Present law further provides diminution of a sentence is not allowed to an inmate convicted of a second offense which is a crime of violence, or a sex offense.

Proposed law retains present law.

Present law provides that every offender in the custody of the Dept. of Public Safety and Corrections who is convicted of a felony, except an offender convicted a second time of a crime of violence as defined in present law, for a specific amount of time, earns diminution of sentence. The "good time" is earned at a rate of 13 days for every seven days in actual custody, including time spent in custody prior to sentencing for the particular sentence imposed.

Proposed law retains present law but creates an exception when the offense for which the offender is serving is for the death of a peace officer or first responder. An offender for this offense earns good time at a rate of one day for every 30 days in actual custody, and time spent in custody prior to sentencing does not earn good time credit.

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

(Amends R.S. 15:571.3(B)(1)(a), (C)(intro para), (D), and (F); adds R.S. 15:571.3(G))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Makes effective date upon governor's signature.