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The original instrument was prepared by Cathy R. Wells. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

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## DIGEST

Martiny (SB 317)

Present law allows persons who were under the age of 18 at the time of the commission of the offense to be sentenced to life imprisonment without the benefit of parole for certain crimes, including first degree murder, second degree murder, aggravated rape, and aggravated kidnapping.

In the case of *Graham v. Florida* (130 S.Ct. 2011 (2010)), the U.S. Supreme Court held that the Eighth Amendment's "cruel and unusual punishment" clause does not permit a juvenile offender to be sentenced to life in prison without a reasonable opportunity for parole for a non-homicide crime.

Proposed law amends present law to allow persons who were under the age of 18 at the time of the commission of the offense, except those persons serving a sentence for a conviction of first degree murder or second degree murder, to be eligible for parole consideration upon reaching the age of 45 and upon serving 25 years of the sentence imposed when certain conditions have been met.

Proposed law provides for the procedure by which such parole decisions shall be made.

Effective August 1, 2012.

(Amends R.S. 15:574.4(B); adds R.S. 15:574.4(D))

### Summary of Amendments Adopted by Senate

#### Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

1. Changes the required amount of time served to be eligible for parole consideration from 20 to 25 years.

#### Senate Floor Amendments to engrossed bill

1. Make a technical change.