
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley E. Menou.

DIGEST

SB 139 Original

2017 Regular Session

Martiny

Present law authorizes the suspension of a sentence for offenders convicted a first or second time of noncapital felonies when the conviction is not for a crime of violence or a second conviction of computer fraud, pornography involving juveniles, or molestation of a juvenile or a person with a physical or mental disability.

Proposed law retains present law and adds eligibility for offenders convicted a third time of a noncapital felony and offenders convicted a first or second time of a Class D or E felony that was not committed against a family member, household member, or dating partner for a suspension of sentence.

Present law provides that when an offender's sentence is suspended, he shall be placed on probation for not less than one year and not more than five years.

Proposed law decreases the time probation period for a suspended sentence to not more than three years and removes mandatory minimum.

Proposed law retains present law and allows for suspension of a sentence for a fourth conviction of operating a vehicle while intoxicated if the offender was not offered such alternatives prior to his fourth conviction, the district attorney consents, and the court orders the offender to do any of the following:

- (1) Enter and complete a program provided by the drug division court of the district court.
- (2) Enter and complete an established driving while intoxicated court or sobriety court program.
- (3) Reside for at least one year in a facility which conforms to the Judicial Agency Referral Residential Facility Regulatory Act.
- (4) Enter and complete the Swift and Certain Probation Pilot Program.

Present law allows the period of probation for any offender to be extended to no more than eight years if the court deems it necessary to ensure completion of a drug court program, a sobriety court program, or the Swift and Certain Probation Pilot Program.

Proposed law removes the ability of the court to extend the duration of the probation period of cases assigned to such programs if it is the offender's first or second conviction.

Proposed law allows the probation period for an offender ordered to complete a drug court program,

a sobriety court program, or the Swift and Certain Probation Pilot Program to be extended to no more than eight years only if it is the offender's third conviction or fourth conviction of operating a vehicle while intoxicated.

Proposed law provides that every offender on felony probation shall earn discharge credits for compliance with the terms of their probation at a rate of 30 days per full calendar month of compliance beginning after the first full month of compliance.

Proposed law provides that if the chief probation and parole officer has reasonable cause to believe an offender on felony probation has not been compliant he must notify the sentencing judge within five business days of learning of the incident of noncompliance and, unless a judge rules otherwise, 30 days of credits will be rescinded from the offender.

Proposed law provides that credits may only be rescinded from a defendant for noncompliance.

Proposed law provides that DPSC shall develop policies and procedures for the implementation of discharge credits for probation offenders and shall collect data on the discharge credits including the names of offenders that earned credits, how many credits are applied to each offender, and reductions to supervision periods at the time of discharge.

Proposed law requires DPSC to notify each offender every six months from the date the offender is placed on probation of the offender's current discharge date and the offender's overall sentence.

Proposed law requires DPSC to notify the court no less than 60 days prior to the expected discharge date and allows DPSC to request that the court terminate a sentence prior to the discharge date.

Proposed law provides that the offender's supervising agency shall order the offender's discharge when the offender's total sentence is satisfied through a combination of time served and earned discharge credits.

Proposed law defines "calendar month of compliance" as any calendar month in which no violation report submitted by a offender's probation officer, no administrative sanctions are issued by an offender's probation officer, and the offender does not abscond from supervision.

Proposed law provides that an offender can abscond from supervision by failing to report within five business days after release from custody, failing to report for a scheduled meeting with a probation officer, failing to make contact with a probation officer within 30 days of a missed meeting, or serving a term of imprisonment for a violation of a condition of probation.

Proposed law provides that every offender on parole shall earn discharge credits for compliance with the terms of their parole at a rate of 30 days per full calendar month of compliance beginning after the first full month of compliance.

Proposed law provides that if the chief probation and parole officer has reasonable cause to believe an offender on parole has not been compliant, he must notify the sentencing judge within five

business days of learning of the incident of noncompliance and, unless a judge rules otherwise, 30 days of credits will be rescinded from the offender.

Proposed law provides that credits may only be rescinded from an offender for noncompliance.

Proposed law provides that DPSC shall develop policies and procedures for the implementation of discharge credits for parole offenders and shall collect data on the discharge credits including the names of offenders that earned credits, how many credits are applied to each offender, and reductions to supervision periods at the time of discharge.

Proposed law requires DPSC to notify each offender within six months from the date the offender is released on parole, of the offender's current discharge date, and the offender's overall sentence.

Proposed law requires DPSC to notify the court no less than 60 days prior to the expected discharge date and allows DPSC to request that the court terminate a sentence prior to the discharge date.

Proposed law provides that DPSC shall discharge the offender, without order by the committee on parole, when the offender's total sentence is satisfied through a combination of time served and earned discharge credits.

Proposed law defines "calendar month of compliance" as any calendar month in which no violation report submitted by an offender's parole officer, no administrative sanctions are issued by an offender's parole officer, and the offender does not abscond from supervision.

Proposed law provides that an offender can abscond from supervision by failing to report within five business days after release from custody, failing to report for a scheduled meeting with a parole officer, failing to make contact with a parole officer within 30 days of a missed meeting, or serving a term of imprisonment for a violation of a condition of parole.

Present law provides that at the time of sentencing, the court may make a determination as to whether an offender is eligible for the imposition of administrative sanctions.

Proposed law deletes present law and provides that, without authorization by the sentencing court, if an offender violates a condition of probation a probation agency is authorized to use administrative sanctions for technical violations if certain conditions exist.

Present law provides that DPSC shall promulgate rules to implement the provisions of administrative sanctions for technical violations.

Proposed law retains present law and adds that DPSC shall promulgate rules to implement the provisions of administrative sanctions with the following additional considerations:

- (1) Incarceration not to be used for first or second lowest-level violations.
- (2) Incarceration not to be used for first or second violations of alcohol use or admission, except

for offenders convicted of operating a vehicle while intoxicated or certain convictions of domestic abuse battery or violation of a protective order.

Proposed law provides that DPSC shall develop a system of structured administrative rewards for compliance with conditions and positive behavior that exceeds conditions of probation.

Present law defines "technical violation", as it pertains to administrative sanctions for technical violations of probation, as any violation of a condition of probation, except for an allegation of a subsequent criminal act unless the allegation is a violation of possession of marijuana or tetrahydrocannabinol or chemical derivatives thereof.

Proposed law defines "technical violation", as it pertains to administrative sanctions for technical violations of probation, as any violation of a condition of probation, except:

- (1) A new felony conviction.
- (2) A conviction for an intentional misdemeanor directly affecting the person.
- (3) An allegation of a subsequent criminal act that if proven would be a crime of violence.
- (4) An allegation of a subsequent criminal act that if proven would be a sex offense.
- (5) An allegation of domestic abuse battery that if proven would be a violation committed by one family member, household member, or dating partner against another.
- (6) An allegation of violation of a protective order that if proven would be a violation committed by one family member, household member, or dating partner against another.

Present law provides that after an arrest for violation of probation, the court shall conduct a hearing within 30 days to determine if an offender violated or was about to violate his probation and may impose sanctions.

Present law provides that the court may revoke an offender's probation. In the event of revocation, the offender shall serve the sentence suspended, with or without credit for the time served on probation at the discretion of the court.

Proposed law provides that in the event of revocation, the offender shall serve the sentence suspended subject to credit for time served on probation or in a substance abuse program.

Present law provides that an offender who has been placed on probation for a conviction other than a crime of violence or sex offense and who has had his probation revoked for his first technical violation shall be required to serve a sentence of not more than 90 days without diminution of sentence.

Proposed law deletes present law and decreases the sentences that offenders who have their

probation revoked for a technical violation shall serve, without diminution of sentence, to the following terms:

- (1) For the first technical violation, not more than 15 days.
- (2) For the second technical violation, not more than 30 days.
- (3) For the third technical violation, not more than 45 days.

Present law provides that, only for the first revocation for a technical violation, the offender shall be given credit for time served prior to the revocation hearing for time served in actual custody while being held for a technical violation.

Present law provides that the term of the revocation shall begin on the date the court orders the revocation and upon completion of the imposed sentence for the technical revocation, the offender shall return to probation for a period equal to the remainder of the original period of probation, subject to any additional conditions imposed by the court.

Proposed law removes the applicability of present law only to an offender's first revocation for a technical violation and otherwise retains present law.

Proposed law provides that if an offender completes 90 days of court-recommended substance abuse treatment, he will receive 90 days credit toward his term of probation.

Present law defines "technical violation", as it pertains to a defendant who has been placed on probation for any offense other than a crime of violence or sex offense and who has had his probation revoked for his first technical violation, as any violation except the following:

- (1) Being arrested, charged, or convicted of any of the following:
 - (a) A felony.
 - (b) A violation of any provision of Title 40 of the Louisiana Revised Statutes of 1950, except for misdemeanor possession of marijuana or tetrahydrocannabinol, or chemical derivatives thereof which shall be considered a "technical violation".
 - (c) Any intentional misdemeanor directly affecting the person.
 - (d) At the discretion of the court, any attempt to commit any intentional misdemeanor directly affecting the person.
 - (e) At the discretion of the court, any attempt to commit any other misdemeanor.
- (2) Being in possession of a firearm or other prohibited weapon.

- (3) Failing to appear at any court hearing.
- (4) Absconding from the jurisdiction of the court.
- (5) Failing to satisfactorily complete a drug court program if ordered to do so as a special condition of probation.
- (6) At the discretion of the court, failing to report to the probation officer for more than 120 consecutive days.

Proposed law defines "technical violation", as it pertains to a defendant who has been placed on probation for any offense other than a crime of violence or sex offense and who has had his probation revoked for his first technical violation, as any violation except a felony conviction.

Present law allows the court to extend the period of probation as a sanction for violation of probation.

Proposed law deletes present law.

Present law provides that in order to be eligible for the substance abuse probation program within DPSC, an offender cannot be convicted of a crime of violence or sex offense, cannot have participated in or declined to participate in a drug division probation program, and must be charged with felony possession of a controlled dangerous substance, possession with intent to distribute a controlled dangerous substance where the offense involves less than 28 grams, possession with intent to distribute marijuana or synthetic cannabinoids where the offense involves less than one pound.

Proposed law provides that to be eligible for the substance abuse program within DPSC an offender must be charged with a violation of a statute relating to the use and possession of or possession with intent to distribute any narcotic drugs, coco leaves, marijuana, stimulants, depressants, or hallucinogenic drugs or where there is a significant relationship between the use of alcohol or drugs and the crime before the court.

Proposed law provides that an offender who has been convicted of a crime of violence except a Class D or E felony, a sex offense, or an offender who has participated or declined to participate in a drug division probation program shall be ineligible to participate in the substance abuse probation program within DPSC.

Present law provides that each district court may designate as a drug division one or more divisions to which alcohol or drug related offenses are assigned and may establish a probation program.

Present law provides that in order to be eligible for the drug division probation program, an offender must satisfy certain criteria, including that the crime before the court cannot be a crime of violence or an offense of domestic abuse battery which is punishable at hard labor and that no other criminal proceedings alleging commission of a crime of violence are pending against the offender.

Proposed law retains present law and adds that offenders may be eligible for the drug division probation program if the crime before the court is a Class D or E felony or if there is a criminal proceeding alleging the commission of a Class D or E felony pending against the offender.

Present law provides that every offender in a parish prison convicted of an offense and sentenced to imprisonment without hard labor, except those convicted a second time of a crime of violence, may earn a diminution of sentence to be known as "good time". Good time shall be earned at the rate of three days for every 17 days in actual custody.

Proposed law retains present law.

Present law provides that every offender in the custody of DPSC who has been convicted of a felony, except those convicted a second time of a crime of violence, and sentenced to imprisonment for a stated number of years or months may earn good time diminution of sentence at the rate of 1.5 days for every one day in actual custody.

Proposed law retains present law and changes the rates at which offenders convicted of a felony, except those convicted a second time of a crime of violence, may earn good time diminution of sentence to the following:

- (1) For offenders convicted of a Class D or E felony, 13 days for every seven days served.
- (2) For offenders convicted of a Class A, B, or C felony, 1.5 days for every one day in actual custody served.

Present law provides that only offenders convicted on or after 1/1/1992 who are not serving a sentence for a sex offense, crime of violence, or any offense which would constitute a sex offense or crime of violence are eligible to receive good time diminution of sentence.

Proposed law retains present law and provides that offenders convicted of offenses or revoked on probation or parole on or after 1/1/1992 who are not serving a sentence for a sex offense, crime of violence, or any offense which would constitute a sex offense or crime of violence are eligible to receive good time diminution of sentence.

Present law provides that an offender convicted a first time of a crime of violence shall earn good time at a rate of three days for every 17 served in actual custody.

Proposed law provides that an offender convicted of a crime of violence without a prior conviction of a crime of violence or a prior conviction of a sex offense shall earn good time at a rate of seven days for every 13 days in actual custody. Proposed law further provides that this provision shall only apply to offenders convicted of offenses or revoked on probation or parole on or after 7/1/2017. Proposed law further provides that this provision shall not apply to an offender if his instant conviction is for a crime of violence that is classified as both a crime of violence and a sex offense.

Present law provides that good time shall not be allowed an offender if the instant offense is a second

offense crime of violence.

Proposed law deletes present law and allows good time for an offender if the instant offense is a crime of violence unless the offender has two or more prior convictions for a crime of violence or a sex offense.

Proposed law provides that good time shall not be allowed an offender if the instant offense is a sex offense.

Present law provides that there shall be a committee on parole which shall enforce the rules regulations, and orders of parole.

Present law requires the parole committee to meet in a minimum of three person panels and requires a unanimous vote for parole to be granted. Present law provides that the committee may grant parole with two votes of a three member panel, or a majority vote if the number exceeds a three member panel, if certain conditions are met.

Proposed law retains present law.

Proposed law creates administrative parole for all offenders who are eligible for parole, except those sentenced under the Habitual Offender Law.

Proposed law provides that an offender shall be released on administrative parole, without a hearing before the committee, if all the following conditions are met:

- (1) The offender has completed a case plan.
- (2) A victim of the offender has been notified and has not requested that the committee conduct a hearing.
- (3) The offender has not committed any major disciplinary offenses in the 12 consecutive months prior to the administrative parole eligibility date. A major disciplinary offense is an offense identified as a Schedule B offense by the DPSC in the Disciplinary Rules and Procedures for Adult Offenders.
- (4) The offender has agreed to the conditions of supervision.
- (5) For any offender convicted of a sex offense the committee and the offender have completed the requirements of parole for sex offenders.

Proposed law provides that if the offender has met all the conditions for administrative parole except the completion of a case plan, he shall not be prohibited from release on administrative parole if the case plan was not created for him or the case plan is incomplete through no fault of the offender.

Present law provides that the committee shall notify, in writing, the district attorney of the parish

where the conviction occurred at least 30 days prior to a hearing.

Proposed law retains present law and adds that for offenders eligible for release on administrative parole the committee shall notify, in writing, the district attorney of the parish where the conviction occurred at least 45 days prior to the offender's administrative parole eligibility date.

Present law provides that the committee shall notify, in writing, the victim or spouse or next of kin of a deceased victim no less than 30 days prior to an offender's scheduled hearing date and advise the victim of their rights with regard to the hearing.

Proposed law retains present law and adds that for offenders eligible for release on administrative parole the committee shall notify, in writing, the victim or spouse or next of kin of a deceased victim no less than 45 days prior to the offender's administrative parole eligibility date.

Present law provides that an offender convicted of a first felony offense shall be eligible for parole upon serving 33 1/3% of the sentence imposed, an offender convicted of a second felony offense shall be eligible upon serving 50% of the sentence imposed, and an offender convicted of a third or subsequent felony offense shall not be eligible for parole.

Present law further provides that an offender convicted of a first felony offense shall be eligible for parole upon serving 25% of the sentence imposed if the conviction is not for a crime of violence, a sex offense, or the offender was sentenced as a habitual offender.

Proposed law deletes present law and provides that an offender shall be eligible for parole upon serving 25% of the sentence imposed if the instant conviction is not for a crime of violence, sex offense, or any offense which would constitute a crime of violence or sex offense, regardless of the date of conviction. Proposed law further provides that applicability of these provisions shall be retroactive and prospective.

Proposed law provides that an offender whose instant offense is a first or second conviction of a crime of violence or a first or second conviction of a sex offense shall be eligible for parole upon serving 75% of the sentence imposed. Proposed law further provides that this shall apply to offenders convicted or revoked of probation or parole on or after July 1, 2017.

Proposed law provides that an offender convicted a third or subsequent time of a crime of violence or third or subsequent time of a sex offense shall not be eligible for parole. Proposed law further provides that this shall apply to offenders convicted or revoked of probation or parole on or after July 1, 2017.

Proposed law provides that an offender convicted of a crime of violence who does not have a prior felony conviction for a crime of violence or sex offense shall be eligible for parole consideration upon serving 55% of the sentence imposed. Proposed law further provides that this shall apply to offenders convicted or revoked of probation or parole on or after July 1, 2017.

Present law provides that an offender sentenced for a term or terms with or without benefit of parole

for 30 years or more shall be eligible for parole upon serving at least 20 years of the term in actual custody and upon reaching the age of 45 except when:

- (1) The offender is serving a life sentence that has not been commuted to a fixed term of years.
- (2) The offender has been convicted of armed robbery.
- (3) The offender has been convicted of a crime of violence.
- (4) The offender has been convicted of a sex offense.

Proposed law provides that an offender sentenced for a term or terms with or without benefit of parole for 30 years or more shall be eligible for parole upon serving at least 20 years of the term in actual custody and upon reaching the age of 45 except when:

- (1) The offender is serving a life sentence that has not been commuted to a fixed term of years.
- (2) The offender has been convicted of armed robbery.

Proposed law further provides that applicability of these provisions shall be retroactive and prospective.

Present law provides that, except in certain instances, an offender serving a life sentence shall not be eligible for parole until his life sentence has been commuted to a fixed term of years.

Proposed law provides that an offender serving a life sentence, except an offender serving a life sentence for a conviction of first degree murder, shall be eligible for parole upon serving at least 30 years of the term and upon reaching age 50 if all of the following conditions are met:

- (1) The offender has obtained a low risk level designation determined by a validated risk assessment instrument approved by the secretary of the DPSC.
- (2) The offender has not committed any major disciplinary offenses in the 12 consecutive months prior to the parole hearing date.
- (3) The offender has completed the mandatory minimum of 100 hours of prerelease programming if such programming is available at the facility where the offender is incarcerated.
- (4) The offender has completed substance abuse treatment, if applicable, and such treatment is available at the facility where the person is incarcerated.
- (5) The offender has obtained a GED credential unless the offender has previously obtained a high school diploma or is deemed by a certified teacher as being incapable of obtaining a GED credential due to a learning disability or because such programming is not available.

Proposed law decreases the time an offender convicted of a crime of violence must serve before being eligible for parole from at least 75% to at least 55% of the sentence imposed.

Present law provides that before the parole of any offender is ordered, the offender shall appear before and be interviewed by the committee.

Proposed law provides that offenders eligible for administrative parole are not required to appear before and be interviewed by the committee prior to release on administrative parole.

Present law provides that the committee on parole may make rules for the conduct of offenders granted parole and at the time the conditions of parole are given to the offender, the committee shall also notify the offender of the following:

- (1) If the offender is arrested while on parole, the committee has the authority to place a detainer against him which will prevent him from making bail pending any new charges.
- (2) Should parole be revoked for any reason, good time earned prior to parole and good time that would have been earned if parole had not been granted will be forfeited.

Proposed law removes the ability of the committee to place a detainer against a defendant for an arrest while on parole and otherwise retains present law.

Present law provides that the committee, before having a parole hearing for an offender convicted of a sex offense, shall give written notice to the victim or victim's parent or guardian of the date and time of the parole hearing at least three days prior to the hearing.

Proposed law provides that parole shall not be granted for any offender convicted of a sex offense unless the committee has given sufficient notice to the victim or victim's parent or guardian.

Present law provides that the parole term, when the committee orders an offender released on parole, shall be for the remainder of offender's sentence without diminution of sentence for good behavior.

Proposed law provides that the parole term, when the committee orders an offender released on parole, shall be for the remainder of the offender's sentence with earned discharge credits for compliance.

Present law provides that when an offender is released on parole, the committee may make a determination as to whether an offender is eligible for the imposition of administrative sanctions to be used to address technical violations.

Proposed law provides that each time an offender violates a condition of parole, a parole officer is authorized to use administrative sanctions without a prior determination by the committee, if certain conditions exist.

Present law provides that DPSC shall promulgate rules to implement a system of structured,

administrative sanctions for technical violations of parole that take into consideration the following:

- (1) The severity of the violation behavior.
- (2) The prior violation history.
- (3) The severity of the underlying criminal conviction.
- (4) The criminal history of the parolee.
- (5) Any special circumstances, characteristics, or resources of the parolee.
- (6) Protection of the community.
- (7) Deterrence.
- (8) The availability of appropriate local sanctions.

Proposed law retains present law and adds the following parameters for DPSC when promulgating rules to implement a system of structured administrative sanctions for technical violations of parole:

- (1) Incarceration must not be used for the first or second lowest-level violations.
- (2) Incarceration must not be used for first or second violations of alcohol use or admission, except for defendants convicted of operating a vehicle while intoxicated; convicted of domestic abuse battery committed by one family member, household member, or dating partner against another; or convicted of violation of protective order committed by one family member, household member, or dating partner against another.

Proposed law provides that DPSC shall establish a system of structured administrative rewards for compliance with conditions and positive behavior that exceeds conditions of parole.

Present law defines "technical violation", as it pertains to the use of administrative sanctions to address a technical violation of parole, as any violation except the following:

- (1) Being arrested, charged, or convicted of any of the following:
 - (a) A felony.
 - (b) Any intentional misdemeanor directly affecting the person.
 - (c) At the discretion of the court, any attempt to commit any intentional misdemeanor directly affecting the person.
 - (d) At the discretion of the committee on parole, any attempt to commit any other

misdemeanor.

- (2) Being in possession of a firearm or other prohibited weapon.
- (3) Failing to appear at any court hearing.
- (4) Absconding from the jurisdiction of the committee on parole.

Proposed law defines "technical violation", as it pertains to the use of administrative sanctions to address a technical violation of parole, as any violation of a condition of parole except the following:

- (1) A new felony conviction.
- (2) A conviction for an intentional misdemeanor directly affecting the person.
- (3) An allegation of a subsequent criminal act that if proven would be a crime of violence.
- (4) An allegation of a subsequent criminal act that if proven would be a sex offense.
- (5) An allegation of domestic abuse battery committed by one family member, household member, or dating partner against another.
- (6) An allegation of violation of protective order committed by one family member, household member, or dating partner against another.

Present law provides that when a detainer is issued by a parole officer, the running of the period of parole shall cease as of the time the detainer is issued.

Proposed law retains present law and provides that when a detainer is issued by the parole officer for the commission of a new crime, it is enforceable until bond is set by the sentencing judge, at which time it shall expire and the parolee may be released upon the posting of the bond.

Present law provides that any offender who has been released on parole and whose parole supervision is being revoked for a technical violation shall be required to serve a sentence without diminution of sentence or credit for time served prior to the technical violation.

Proposed law decreases the length of sentence any offender who has been released on parole and whose parole supervision is being revoked for a technical violation shall be required to serve without diminution of sentence as follows:

- (1) For the first technical violation, from not more than 90 days to not more than 15 days.
- (2) For a second technical violation, from not more than 120 days to not more than 30 days.
- (3) For a third or subsequent technical violation, from not more than 180 days to not more than

45 days.

Proposed law provides that if an offender that completes 90 days of committee-recommended substance abuse treatment, he will receive 90 days of credit towards his term of parole.

Proposed law provides that an offender shall be given credit toward service of his sentence for time spent in actual custody prior to the revocation hearing while being held for a technical violation in a local detention facility, state institution, or out-of-state institution.

Present law defines "technical violation", as it pertains to revocation of parole for a technical violation, as any violation except the following:

- (1) Being arrested, charged, or convicted of any of the following:
 - (a) A felony.
 - (b) Any intentional misdemeanor directly affecting the person.
 - (c) At the discretion of the court, any attempt to commit any intentional misdemeanor directly affecting the person.
 - (d) At the discretion of the committee on parole, any attempt to commit any other misdemeanor.
- (2) Being in possession of a firearm or other prohibited weapon.
- (3) Failing to appear at any court hearing.
- (4) Absconding from the jurisdiction of the committee on parole.

Proposed law deletes present law and defines "technical violation", as it pertains to revocation of parole for a technical violation, as any violation except a new felony conviction.

Present law provides for medical parole eligibility for offenders who are permanently disabled or terminally ill and not serving a sentence for first degree murder, second degree murder, or awaiting execution.

Proposed law retains present law.

Proposed law creates the medical furlough program to be administered by DPSC. Offenders who are ineligible for medical parole, not awaiting execution, and determined by DPSC to be a limited mobility offender or a terminally ill offender shall be eligible for medical furlough.

Proposed law defines "limited mobility offender" as any offender who is unable to perform activities of daily living without help or is totally confined to a bed or chair, including but not limited to

prolonged coma and medical ventilation.

Proposed law defines "terminally ill offender" as an offender who because of an existing medical condition, is irreversibly terminally ill and defines "terminally ill" as having a life expectancy of less than one year due to an underlying medical condition.

Proposed law provides that offenders granted medical furlough shall be released upon securing the following placements for the duration of their furlough:

- (1) For limited mobility offenders, any acute care hospital, nursing home, or other healthcare facility.
- (2) For terminally ill offenders, any health care facility including but not limited to an acute care hospital, nursing home, or any other appropriate setting which is able to meet the needs of the terminally ill offender.

Present law provides that no offender shall be recommended for medical parole by DPSC until full consideration has been given to the offender's criminal history, length of time served in custody, institutional conduct, and a medical assessment of the offender's condition.

Proposed law retains present law and requires the same consideration be given before an offender is recommended for medical furlough by DPSC.

Present law provides that the authority to grant medical parole lies solely with the committee on parole and the committee may require additional evidence or that additional medical examinations be conducted.

Proposed law provides that present law shall also apply to medical furlough.

Present law provides that the parole term of an offender released on medical parole shall be for the remainder of the offender's sentence without diminution of sentence for good behavior.

Proposed law provides that present law shall also apply to medical furlough.

Present law provides that if the medical parolee's condition has improved such that he would no longer be eligible for medical parole, the committee may order that the offender be returned to the custody of DPSC to await a hearing to determine if his parole shall be revoked.

Proposed law provides that present law shall also apply to medical furlough.

Present law provides that any offender whose medical parole is revoked due to an improvement in his condition shall resume serving the balance of his sentence with credit given for the duration of the medical parole.

Proposed law provides that present law shall also apply to medical furlough.

Present law provides that medical parole may be revoked for violation of any condition of the parole as established by the committee on parole.

Proposed law provides that present law shall also apply to medical furlough.

Present law provides that the committee shall promulgate rules necessary for the implementation of medical parole.

Proposed law provides that present law shall also apply to medical furlough.

Proposed law provides that, in addition to other duties, DPSC shall establish a procedure that provides for each offender required to serve a term of 180 days or more, a written case plan based on the results of an assessment of the offender's risk and needs. Proposed law further provides that implementation of such a procedure will only be to the extent funds are appropriated for this purpose and resources are available.

Proposed law provides that for offender's eligible for administrative parole, DPSC shall notify the committee in writing of the offender's compliance or noncompliance with the case plan not less than 60 days before an offender's administrative parole release date. Proposed law further provides that implementation of such a procedure will only be to the extent funds are appropriated for this purpose and resources are available.

Present law provides that, when funds are provided, educational, job skills training, values development, and other programs shall be available at each institution under DPSC and offenders may be awarded up to 90 days toward the reduction the projected good time parole supervision date for satisfactory participation, but no offender shall receive more than 360 days total credit.

Present law provides that any offender sentenced as a habitual offender may earn additional good time credit for participation in programs provided for in present law unless the offender was convicted of a sex offense or a crime of violence.

Proposed law provides that any offender sentenced as a habitual offender may earn additional good time credit for participation in programs provided for in present law unless the offender's instant offense is one of the following:

- (1) A sex offense.
- (2) A crime of violence and the offender has two or more prior convictions of a crime of violence or a sex offense.

Proposed law provides that offenders who are eligible to participate in the work release program shall be eligible to earn an additional 180 days of credit towards the reduction of the projected good time parole supervision date.

Effective July 1, 2017; provides however, if the bill which originates as Senate Bill __ of the 2017

Regular Session which classifies felony crimes is not enacted, any amendments to present law in the provisions of this Act referencing those classes shall be void.

(Amends C.Cr.P. Arts. 893(A) and (B), 899.1(A)(intro para), (B) and (D), 900(A)(5), (6), and (7), and 903.1, R.S. 13:5304(B)(10)(b) and (c), R.S. 15:571.3(B) and (D), 574.2(C)(1) and (2) and (D)(1), (6)(intro para), (8)(a) and (9), 574.4(A)(1) and (2), (B)(1) and (C)(2), 574.4.1(A)(1), 574.4.2(B), 574.4.3(A)(1), 574.6, 574.7(B), 574.9(D), (E), (F) and (G), 574.20, and 828(B) and (C); adds C.Cr.P. Arts. 893(G), 895.6 and 895.7 and R.S. 15:574.2(C)(4), 574.4(F), 574.9(H), 827(A)(7) and 828(D))