SLS 18RS-760 REENGROSSED

2018 Regular Session

SENATE BILL NO. 495

BY SENATOR MARTINY

CRIMINAL PROCEDURE. Provides relative to parole eligibility. (11/1/18)

1	AN ACT
2	To amend and reenact the introductory paragraph of R.S. 15:574.4(H) and 574.9(D)(1),
3	relative to parole; to provide for parole eligibility; to provide for revocation of
4	parole; to provide for requirements; to provide for an effective date; and to provide
5	for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. The introductory paragraph of R.S. 15:574.4(H) and 574.9(D)(1) are
8	hereby amended and reenacted to read as follows:
9	§574.4. Parole; eligibility; juvenile offenders
10	* * *
11	H.(1) Notwithstanding any provision of law to the contrary, an offender
12	serving a life sentence for second degree murder (R.S. 14:30.1), shall be eligible for
13	parole consideration pursuant to the provisions of this Subsection if all of the
14	following conditions are met:
15	(1)(a) The offender committed the offense after July 2, 1973, and prior to
16	June 29, 1979.
17	(2)(b) The offender has served at least forty years of the sentence imposed.

1	(3) The committee on parole has granted parole with a unanimous vote of
2	those present.
3	(2) An offender who has met the requirements of Paragraph (1) of this
4	Subsection and is granted a hearing before the committee on parole shall be
5	released on parole only if the vote of the committee is unanimous in the
6	offender's favor.
7	* * *
8	§574.9. Revocation of parole for violation of condition; committee panels; return to
9	custody hearing; duration of reimprisonment and reparole after
10	revocation; credit for time served; revocation for a technical violation
11	* * *
12	D.(1) When a judge sets bond on allegations of a new felony offense for a
13	parolee, the Department of Public Safety and Corrections, division of probation and
14	parole and the committee on parole must be notified within three business days.
15	* * *
16	Section 2. This Act shall become effective on November 1, 2018.
	The original instrument was prepared by Ashley Menou. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl M. Serrett.
	DIGEST

SB 495 Reengrossed

2018 Regular Session

Martiny

Present law provides that an offender serving a life sentence for second degree murder shall be eligible for parole consideration if all of the following are met:

- (1) The offender committed the offense after July 2, 1973, and prior to June 29, 1979.
- The offender has served at least forty years of the sentence imposed. (2)
- (3) The committee on parole has granted parole with a unanimous vote of those present.

<u>Proposed law</u> provides that an offender serving a life sentence for second degree murder shall be eligible for parole consideration if the following conditions are met:

- The offender committed the offense after July 2, 1973, and prior to June 29, 1979. (1)
- The offender has served at least forty years of the sentence imposed.

Proposed law provides that an offender serving a life sentence for second degree murder shall be released on parole only if the committee on parole votes unanimously for release.

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

<u>Present law</u> provides that when a judge sets bond on allegations of a new felony offense for a parolee, the division of probation and parole and the committee on parole must be notified within three business days.

<u>Proposed law</u> provides that when a judge sets bond on allegations of any new offense for a parolee, the division of probation and parole and the committee on parole must be notified within three business days.

<u>Present law</u> provides that the parole detainer expires ten days after the bond has been set, unless the division of probation and parole seeks to maintain the detainer.

Proposed law retains present law.

Effective November 1, 2018.

(Amends R.S. 15:574.4(H) and 574.9(D)(1))

Summary of Amendments Adopted by Senate

## Senate Floor Amendments to engrossed bill

1. Clarifies that an offender may only be released by unanimous vote of the committee.