

CONFERENCE COMMITTEE REPORT

SB 495

2018 Regular Session

Martiny

May 16, 2018

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 495 by Senator Martiny, recommend the following concerning the Reengrossed bill:

1. That House Committee Amendments Nos. 2 and 4, proposed by the House Committee on Administration of Criminal Justice and adopted by the House of Representatives on May 3, 2018 be adopted.
2. That House Committee Amendments Nos. 1 and 3, proposed by the House Committee on Administration of Criminal Justice and adopted by the House of Representatives on May 3, 2018 be rejected.
2. That House Floor Amendment No. 1 proposed by Representative Mack and adopted by the House of Representatives on May 14, 2018 be rejected.
3. That the following amendments be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and insert "the introductory paragraph of R.S. 15:574.2(C)(4)(a), 574.4(H), and 574.9(D)(1),"

AMENDMENT NO. 2

On page 1, line 7, after "Section 1." delete the remainder of the line and insert "The introductory paragraph of R.S. 15:574.2(C)(4)(a), 574.4(H), and 574.9(D)(1) are"

AMENDMENT NO. 3

On page 2, line 5, after "**parole**" delete the remainder of the line and insert "**if a five member panel of the committee vote unanimously to grant parole.**"

AMENDMENT NO. 4

On page 2, delete line 6

Respectfully submitted,

Senators:

---

Senator Daniel "Danny" Martiny

---

Senator Dan Claitor

---

Senator Wesley Bishop

Representatives:

---

Representative Joseph Marino

---

Representative Sherman Mack

---

Representative Nicholas Muscarello

---

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

---

## CONFERENCE COMMITTEE REPORT DIGEST

SB 495

2018 Regular Session

Martiny

### Keyword and summary of the bill as proposed by the Conference Committee

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

#### Report adopts House amendments to:

1. Change the applicability of present law provisions regarding administrative parole to offenders who commit an offense on or after November 1, 2020.

#### Report rejects House amendments which would have:

1. Required a unanimous vote of all members of the committee on parole for the release of an offender that has served at least 40 years of a life sentence for second degree murder when the offense was committed after July 2, 1973 and prior to June 29, 1979.
2. Made technical changes.

#### Report amends the bill to:

1. Require a unanimous vote of a five member panel of the committee of parole for the release of an offender that has served at least 40 years of a life sentence for second degree murder when the offense was committed after July 2, 1973 and prior to June 29, 1979.
2. Make technical changes.

### Digest of the bill as proposed by the Conference Committee

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.
- (2) The offender has served at least 40 years of the sentence imposed.
- (3) The committee on parole has granted parole with a unanimous vote of those present.

Proposed law amends present law to provide that an offender serving a life sentence for second degree murder who meets the requirements in Paragraph (1) and (2) above shall be released on parole if a five member panel of the committee on parole vote unanimously to grant parole.

Present law 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.

Proposed law expands the application of present law to any new offense of the parolee, instead of applying to only those offenses that are felonies.

Present law provides that each offender who commits an offense on or after Nov. 1, 2017, other than a crime of violence or a sex offense, and who is eligible for parole pursuant to present law, except those sentenced as a habitual offender under present law (R.S. 15:529.1) or who participate in a drug court program pursuant to present law (R.S. 13:5401), shall be

released on administrative parole on the offender's parole eligibility date without a hearing before the committee if certain conditions are met.

Proposed law amends present law to apply only to those offenders who commit an offense on or after November 1, 2020, instead of November 1, 2017, and otherwise retains present law.

Effective November 1, 2018.

(Amends R.S. 15:574.2(C)(4)(a)(intro para), 574.4(H), and 574.9(D)(1))