

2020 Regular Session

HOUSE BILL NO. 855

BY REPRESENTATIVE DUPLESSIS

CORRECTIONS: Provides with respect to the early release of certain offenders under certain circumstances

1 AN ACT

2 To enact R.S. 15:571.3(A)(4) and (G) and 574.6.1(E), relative to the release of persons from  
3 custody or supervision; to provide relative to the authority of a sheriff or  
4 superintendent of a correctional facility to release certain persons during a declared  
5 state of emergency and public health emergency; to provide relative to the authority  
6 of the Department of Public Safety and Corrections to increase the rate of good time  
7 for certain persons during a declared state of emergency and public health  
8 emergency; to provide relative to the authority of the Department of Public Safety  
9 and Corrections to increase the rate of awarding earned compliance credits during  
10 a declared state of emergency and public health emergency; to provide for  
11 applicability; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 15:571.3(A)(4) and (G) and 574.6.1(E) is hereby enacted to read as  
14 follows:

15 §571.3. Diminution of sentence for good behavior or for a declared state of  
16 emergency and public health emergency

17 A.

18 \* \* \*

19 (4) When the governor has declared a state of emergency pursuant to R.S.  
20 29:721 et seq. and a public health emergency pursuant to R.S. 29:760 et seq., the

1 sheriff or superintendent of any correctional facility contained within the area  
2 covered by the state of emergency and public health emergency shall have the  
3 authority to release from their custody any person who has not been sentenced to  
4 imprisonment at hard labor and who has not been convicted a second time of a crime  
5 of violence.

6 \* \* \*

7 G.(1) When the governor has declared a state of emergency pursuant to R.S.  
8 29:721 et seq. and a public health emergency pursuant to R.S. 29:760 et seq., the  
9 Department of Public Safety and Corrections may retroactively award any person in  
10 the custody of the department two times the amount of good time available to the  
11 person pursuant to the provisions of this Section if the person is otherwise eligible  
12 to receive good time under this Section.

13 (2) This Subsection shall apply to only those persons who are within one  
14 calendar year of the projected date of their release from custody on the date that the  
15 governor declares the state of emergency.

16 (3) This Subsection does not create any legal right or remedy for any person  
17 in the custody of the Department of Public Safety and Corrections.

18 \* \* \*

19 §574.6.1. Compliance credits; parole

20 \* \* \*

21 E.(1) When the governor has declared a state of emergency pursuant to R.S.  
22 29:721 et seq. and a public health emergency pursuant to R.S. 29:760 et seq., the  
23 Department of Public Safety and Corrections may retroactively award any person on  
24 parole two times the amount of earned compliance credits available to the person  
25 pursuant to the provisions of this Section if the person is otherwise eligible to receive  
26 earned compliance credits under this Section.

27 (2) This Subsection shall apply to only those persons who are on parole, in  
28 full compliance, and whose projected date of discharge from parole supervision is

1        within one calendar year of the date that the governor declares the state of  
2        emergency.

3                (3) This Subsection does not create any legal right or remedy for any person  
4        subject to parole supervision by the Department of Public Safety and Corrections.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 855 Original

2020 Regular Session

Duplessis

**Abstract:** Provides for the release of certain persons from custody or parole supervision during a declared state of emergency and public health emergency through the awarding of good time and earned compliance credits.

Present law (R.S. 15:571.3) provides that every prisoner in a parish prison convicted of an offense and sentenced to imprisonment without hard labor, except a prisoner convicted a second time of a crime of violence, may earn a diminution of sentence, to be known as "good time", by good behavior and performance of work or self-improvement activities, or both. The rate of good time for such offenders pursuant to present law is 30 days for every 30 days in actual custody, except for a person convicted a first time of a crime of violence who shall earn at a rate of three days for every 17 days in actual custody.

Proposed law retains present law and adds that when the governor has declared a state of emergency pursuant to present law (R.S. 29:721 et seq.) and a public health emergency pursuant to present law (R.S. 29:760 et seq.), the sheriff or superintendent of any correctional facility contained within the area covered by the state of emergency and public health emergency shall have the authority to release from their custody any person who has not been sentenced to imprisonment at hard labor and who has not been convicted a second time of a crime of violence.

Present law (R.S. 15:571.3) provides that, unless otherwise prohibited, every offender in the custody of the Dept. of Public Safety and Corrections who has been convicted of a felony, except an offender convicted a second time of a crime of violence, and sentenced to imprisonment for a stated number of years or months, may earn, in lieu of incentive wages, a diminution of sentence by good behavior and performance of work or self-improvement activities, or both, to be known as "good time". For persons who were not convicted of a sex offense or crime of violence, the rate of good time pursuant to present law is 13 days for every 7 days in actual custody. If the person is convicted of a crime of violence, without a prior conviction of a crime of violence or sex offense, and the instant offense is not a sex offense, present law provides that the rate of good time shall be one day for every three days in actual custody.

Present law provides that good time shall not be awarded to a person in the custody of the Dept. of Public Safety and Corrections if any of the following apply:

- (1) The inmate has been sentenced as an habitual offender under the Habitual Offender Law. However, present law provides that any offender in the custody of the Dept. of Public Safety and Corrections who has been sentenced as a habitual offender may earn additional good time for participation in certified treatment and rehabilitation programs, unless the offender was convicted of a sex offense or a crime of violence.

- (2) The trial court, in its discretion, prohibits the earning of such diminution of sentence for any person convicted of stalking.

Proposed law retains present law and adds that when the governor has declared a state of emergency pursuant to present law (R.S. 29:721 et seq.) and a public health emergency pursuant to present law (R.S. 29:760 et seq.), the Dept. of Public Safety and Corrections may retroactively award any person in the custody of the department two times the amount of good time available to the person pursuant to the provisions of present law if the person is otherwise eligible to receive good time under present law.

Proposed law provides that it applies to only those persons who are within one calendar year of the projected date of their release from custody on the date that the governor declares the state of emergency and does not create any legal right or remedy for any person in the custody of the Dept. of Public Safety and Corrections.

Present law (R.S. 15:574.6.1) provides that every offender on parole for an offense other than a crime of violence or a sex offense shall earn a diminution of parole term, to be known as "earned compliance credits", by good behavior on parole. The amount of diminution of parole term allowed shall be at the rate of 30 days for every full calendar month on parole. When the offender's total parole term is satisfied through a combination of time served on parole and earned compliance credits, the Dept. of Public Safety and Corrections shall order the discharge of the offender from parole.

Proposed law retains present law and adds that when the governor has declared a state of emergency pursuant to present law (R.S. 29:721 et seq.) and a public health emergency pursuant to present law (R.S. 29:760 et seq.), the Dept. of Public Safety and Corrections may retroactively award any person on parole two times the amount of earned compliance credits available to the person pursuant to the provisions of present law if the person is otherwise eligible to receive earned compliance credits under present law.

Proposed law shall apply to only those persons who are on parole, in full compliance, and whose projected date of discharge from parole supervision is within one calendar year of the date that the governor declares the state of emergency and does not create any legal right or remedy for any person subject to parole supervision by the Dept. of Public Safety and Corrections.

(Amends R.S. 15:571.3(A)(4) and (G) and 574.6.1(E))