

2023 Regular Session

HOUSE BILL NO. 188

BY REPRESENTATIVE FRIEMAN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PAROLE: Provides relative to denial of parole for dangerous offenders

1 AN ACT

2 To enact R.S. 15:529.3, relative to parole; to provide for certain disqualifying criteria for
3 parole eligibility; to provide for denial of parole for certain offenders; to provide for
4 an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:529.3 is hereby enacted to read as follows:

7 §529.3. Denial of parole for dangerous offenders

8 A. When filing an information accusing a person of a previous conviction
9 pursuant to this Chapter, the district attorney may allege that the person is a
10 dangerous offender. The court shall hold a hearing to determine whether the person
11 is a dangerous offender. If the court concludes that the person is a dangerous
12 offender, the court may order that the sentence imposed be served without benefit of
13 probation, suspension of sentence, or parole until eighty-five percent of the sentence
14 is served.

15 B. A person may be alleged to be a dangerous offender if he has been
16 previously convicted of committing, attempting to commit, or conspiring to commit
17 any of the following offenses:

18 (1) A crime of violence as defined in R.S. 14:2(B).

19 (2) A sex offense as defined in R.S. 15:541(24).

1 (3) The production, manufacture, or distribution of any controlled dangerous
2 substance listed in Schedules I or II of the Uniform Controlled Dangerous Substance
3 Law other than marijuana.

4 (4) A violation of the Louisiana Racketeering Act, R.S. 15:1351 et seq.

5 (5) A violation of the Louisiana Street Terrorism Enforcement and
6 Prevention Act, R.S. 15:1401 et seq.

7 C. In determining whether a person is a dangerous offender, the court shall
8 consider all of the following circumstances:

9 (1) The factors enumerated in Code of Criminal Procedure Article 894.1(B).

10 (2) The nature and extent of any prior delinquent or criminal history.

11 (3) The success or failure of any previous attempts to rehabilitate the
12 defendant.

13 (4) The defendant's conduct while previously incarcerated or on probation
14 or parole.

15 (5) Any other facts the court deems relevant.

16 D. If the court orders that the sentence imposed is to be served without the
17 benefit of parole, probation, or suspension of sentence, the court shall state for the
18 record the considerations taken into account and the factual basis for its
19 determination.

20 E. This Section does not apply to any sentence which is already designated
21 to be served without parole, probation, or suspension of sentence.

22 Section 2. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 effective on the day following such approval.

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 188 Reengrossed

2023 Regular Session

Frieman

Abstract: Provides relative to offenses that disqualify an offender from parole eligibility.

Proposed law provides that the district attorney may allege that a person is a dangerous offender when filing an information accusing that person of a previous conviction pursuant to this present law (R.S. 15:529.1).

Proposed law provides that the court shall hold a hearing to determine whether the person is a dangerous offender. Further provides that if the court concludes that the person is a dangerous offender, the court may order that the sentence imposed be served without benefit of probation, suspension of sentence, or parole until 85% of the sentence is served.

Proposed law provides that a person may be alleged to be a dangerous offender if he has been previously convicted of committing, attempting to commit, or conspiring to commit any of the following offenses:

- (1) A crime of violence as defined in present law (R.S. 14:2(B)).
- (2) A sex offense as defined in present law (R.S. 15:541(24)).
- (3) The production, manufacture, or distribution of any controlled dangerous substance listed in Schedules I or II of the Uniform Controlled Dangerous Substance Law other than marijuana.
- (4) A violation of the La. Racketeering Act.
- (5) A violation of the La. Street Terrorism Enforcement and Prevention Act.

Proposed law provides that the court shall consider all of the following circumstances in determining whether a person is a dangerous offender:

- (1) The factors enumerated in present law (C.Cr.P. Art. 894.1(B)).
- (2) The nature and extent of any prior delinquent or criminal history.
- (3) The success or failure of any previous attempts to rehabilitate the defendant.
- (4) The defendant's conduct while previously incarcerated or on probation or parole.
- (5) Any other facts the court deems relevant.

Proposed law provides that if the court orders that the sentence imposed is to be served without the benefit of parole, probation, or suspension of sentence, the court shall state for the record the considerations taken into account and the factual basis for its determination.

Proposed law does not apply to any sentence which is already designated to be served without parole, probation, or suspension of sentence.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 15:529.3)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Restructure the sentence imposed to be served without benefit of probation, suspension of sentence, or parole until 85% of the sentence is served.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Remove any violation of the Uniform Controlled Dangerous Substance Law punishable by imprisonment of 20 years or more from the list of offenses that may be used to allege that a person is a dangerous offender.