

2025 Regular Session

HOUSE BILL NO. 208

BY REPRESENTATIVE VILLIO

AN ACT

To amend and reenact R.S. 15:529.2(B)(3), 571.3.1(F), 574.4(A)(4)(b), (B)(2)(a)(iii), (b)(iii), (c)(iii), and (d)(iii), (D)(1)(b), (E)(1)(b), (F)(1)(b), (G)(1)(b), and (J)(1)(b), 574.6(introductory paragraph), 574.9(section heading) and (H)(1)(a)(i)(introductory paragraph), and 1199.24(A)(5), to enact R.S. 15:571.3(C), 571.3.1(I), 574.9(H)(1)(a)(i)(dd), and Subpart H of Part II of Chapter 5 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:574.71 and 574.72, and to repeal R.S. 15:574.9(F), relative to the release eligibility of incarcerated persons; to provide relative to parole eligibility requirements; to provide relative to the automatic earning of good time credits by offenders for good behavior; to provide for the elimination of earned compliance credits while on parole; to provide for a statement of legislative intent; to provide for removal procedures and conditions of certain offenders who are granted parole; to provide for duties of the committee on parole; to provide for definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:529.2(B)(3), 571.3.1(F), 574.4(A)(4)(b), (B)(2)(a)(iii), (b)(iii), (c)(iii), and (d)(iii), (D)(1)(b), (E)(1)(b), (F)(1)(b), (G)(1)(b), and (J)(1)(b), 574.6(introductory paragraph), 574.9(section heading) and (H)(1)(a)(i)(introductory paragraph), and 1199.24(A)(5) are hereby amended and reenacted and R.S. 15:571.3(C), 571.3.1(I), 574.9(H)(1)(a)(i)(dd), and Subpart H of Part II of Chapter 5 of Title 15 of the

Louisiana Revised Statutes of 1950, comprised of R.S. 15:574.71 and 574.72, are hereby enacted to read as follows:

§529.2. Intensive parole supervision for certain habitual offenders

* * *

B. The secretary may release offenders pursuant to the provisions of this Section only if all of the following conditions exist:

* * *

(3) The offender has not committed any major disciplinary offenses in the ~~twelve~~ thirty-six consecutive months prior to release.

* * *

§571.3. Diminution of sentence for good behavior

* * *

C. Diminution of sentence pursuant to this Section shall not be allowed to be earned by an inmate in a parish prison or in the custody of the Department of Public Safety and Corrections if any of the following apply:

(1) The inmate has been sentenced as a habitual offender under the Habitual Offender Law as set forth in R.S. 15:529.1.

(2) The instant offense is a sex offense.

* * *

§571.3.1. Eligibility and applicability of diminution of sentence for crimes committed on or after August 1, 2024

* * *

F.(1) Except as provided in Paragraph (2) of this Subsection, any ~~Any~~ offender released because of diminution of sentence earned pursuant to this Section shall be released subject to the provisions of R.S. 15:571.5. The remainder of the original full term of sentence shall be served as if on unsupervised parole for any offender released pursuant to this Subsection unless his parole is revoked as provided in R.S. 15:571.5(C).

1 (2) An offender who has received a split sentence shall, upon release from
2 incarceration, immediately begin serving the probationary period imposed. Any term
3 of unsupervised parole shall be served concurrently with the probationary period.

4 (3) If an offender is convicted for an offense that is committed while on
5 unsupervised parole, the amount of good time earned or credits toward the reduction
6 of the projected good time parole supervision date earned on that portion of his
7 sentence prior to the conviction shall be served consecutively with the sentence
8 imposed for the offense.

9 * * *

10 I. For the purposes of this Section, "split sentence" shall mean an imposition
11 of incarceration or commitment of an offender to a correctional facility of which a
12 portion is suspended as allowed by law, inclusive of a period of probation.

13 * * *

14 §574.4. Parole; eligibility; juvenile offenders

15 A.

16 * * *

17 (4) Except as provided in R.S. 15:574.22, unless eligible for parole at an
18 earlier date, a person committed to the Department of Public Safety and Corrections
19 for a term or terms of imprisonment with or without benefit of parole who has served
20 at least ten years of the term or terms of imprisonment in actual custody shall be
21 eligible for parole consideration upon reaching the age of sixty years if all of the
22 following conditions have been met:

23 * * *

24 (b) The offender has not committed any major disciplinary offenses in
25 ~~twelve~~ thirty-six consecutive months prior to the parole hearing date. A major
26 disciplinary offense is an offense identified as a Schedule B offense by the
27 Department of Public Safety and Corrections in the Disciplinary Rules and
28 Procedures for Adult Offenders.

29 * * *

1 B.

2 * * *

3 (2) Except as provided in R.S. 15:574.22, any person serving a life sentence,
4 with or without the benefit of parole, who has not been convicted of a crime of
5 violence as defined by R.S. 14:2(B), a sex offense as defined by R.S. 15:541, or an
6 offense, regardless of the date of conviction, which would constitute a crime of
7 violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S. 15:541, shall
8 be eligible for parole consideration as follows:

9 (a) If the person was at least eighteen years of age and under the age of
10 twenty-five years at the time he was sentenced to life imprisonment, he shall be
11 eligible for parole consideration if all of the following conditions have been met:

12 * * *

13 (iii) The person has not committed any major disciplinary offenses in the
14 ~~twelve~~ thirty-six consecutive months prior to the parole hearing date. A major
15 disciplinary offense is an offense identified as a Schedule B offense by the
16 Department of Public Safety and Corrections in the Disciplinary Rules and
17 Procedures for Adult Offenders.

18 * * *

19 (b) If the person was at least twenty-five years of age and under the age of
20 thirty-five years at the time he was sentenced to life imprisonment, he shall be
21 eligible for parole consideration if all of the following conditions have been met:

22 * * *

23 (iii) The person has not committed any major disciplinary offenses in the
24 ~~twelve~~ thirty-six consecutive months prior to the parole hearing date. A major
25 disciplinary offense is an offense identified as a Schedule B offense by the
26 Department of Public Safety and Corrections in the Disciplinary Rules and
27 Procedures for Adult Offenders.

28 * * *

1 (c) If the person was at least thirty-five years of age and under the age of
2 fifty years at the time he was sentenced to life imprisonment, he shall be eligible for
3 parole consideration if all of the following conditions have been met:

4 * * *

5 (iii) The person has not committed any major disciplinary offenses in the
6 ~~twelve~~ thirty-six consecutive months prior to the parole hearing date. A major
7 disciplinary offense is an offense identified as a Schedule B offense by the
8 Department of Public Safety and Corrections in the Disciplinary Rules and
9 Procedures for Adult Offenders.

10 * * *

11 (d) If the person was at least fifty years of age at the time he was sentenced
12 to life imprisonment, he shall be eligible for parole consideration if all of the
13 following conditions have been met:

14 * * *

15 (iii) The person has not committed any major disciplinary offenses in the
16 ~~twelve~~ thirty-six consecutive months prior to the parole hearing date. A major
17 disciplinary offense is an offense identified as a Schedule B offense by the
18 Department of Public Safety and Corrections in the Disciplinary Rules and
19 Procedures for Adult Offenders.

20 * * *

21 D.(1) Notwithstanding any provision of law to the contrary, any person
22 serving a sentence of life imprisonment who was under the age of eighteen years at
23 the time of the commission of the offense, except for a person serving a life sentence
24 for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S.
25 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this
26 Subsection if all of the following conditions have been met:

27 * * *

28 (b) The offender has not committed any major disciplinary offenses in the
29 ~~twelve~~ thirty-six consecutive months prior to the parole hearing date. A major
30 disciplinary offense is an offense identified as a Schedule B offense by the

1 Department of Public Safety and Corrections in the Disciplinary Rules and
2 Procedures for Adult Offenders.

3 * * *

4 E.(1) Notwithstanding any provision of law to the contrary and except as
5 provided in Subsection G of this Section, any person serving a sentence of life
6 imprisonment for a conviction of first degree murder (R.S. 14:30) who was under the
7 age of eighteen years at the time of the commission of the offense and whose
8 indictment for the offense is on or after August 1, 2017, shall be eligible for parole
9 consideration pursuant to the provisions of this Subsection if a judicial determination
10 has been made that the person is entitled to parole eligibility pursuant to Code of
11 Criminal Procedure Article 878.1(A) and all of the following conditions have been
12 met:

13 * * *

14 (b) The offender has not committed any major disciplinary offenses in the
15 ~~twelve~~ thirty-six consecutive months prior to the parole hearing date. A major
16 disciplinary offense is an offense identified as a Schedule B offense by the
17 Department of Public Safety and Corrections in the Disciplinary Rules and
18 Procedures for Adult Offenders.

19 * * *

20 F.(1) Notwithstanding any provision of law to the contrary and except as
21 provided in Subsection G of this Section, any person serving a sentence of life
22 imprisonment for a conviction of second degree murder (R.S. 14:30.1) who was
23 under the age of eighteen years at the time of the commission of the offense and
24 whose indictment for the offense is on or after August 1, 2017, shall be eligible for
25 parole consideration if all of the following conditions have been met:

26 * * *

27 (b) The offender has not committed any major disciplinary offenses in the
28 ~~twelve~~ thirty-six consecutive months prior to the parole hearing date. A major
29 disciplinary offense is an offense identified as a Schedule B offense by the

1 Department of Public Safety and Corrections in the Disciplinary Rules and
2 Procedures for Adult Offenders.

3 * * *

4 G.(1) Notwithstanding any provision of law to the contrary, any person
5 serving a sentence of life imprisonment for a conviction of first degree murder (R.S.
6 14:30) or second degree murder (R.S. 14:30.1) who was under the age of eighteen
7 years at the time of the commission of the offense and whose indictment for the
8 offense was prior to August 1, 2017, shall be eligible for parole consideration
9 pursuant to the provisions of this Subsection if a judicial determination has been
10 made that the person is entitled to parole eligibility pursuant to Code of Criminal
11 Procedure Article 878.1(B) and all of the following conditions have been met:

12 * * *

13 (b) The offender has not committed any major disciplinary offenses in the
14 ~~twelve~~ thirty-six consecutive months prior to the parole hearing date. A major
15 disciplinary offense is an offense identified as a Schedule B offense by the
16 Department of Public Safety and Corrections in the Disciplinary Rules and
17 Procedures for Adult Offenders.

18 * * *

19 J.(1) Notwithstanding any provision of law to the contrary, and except as
20 provided in Subsections D, E, F, G, and H of this Section, any person serving a term
21 or terms of imprisonment that result in a period of incarceration of twenty-five years
22 or more and who was under the age of eighteen years at the time of the commission
23 of the offense shall be eligible for parole consideration pursuant to the provisions of
24 this Subsection if all of the following conditions have been met:

25 * * *

26 (b) The offender has not committed any major disciplinary offenses in the
27 ~~twelve~~ thirty-six consecutive months prior to the parole hearing date. A major
28 disciplinary offense is an offense identified as a Schedule B offense by the
29 Department of Public Safety and Corrections in the Disciplinary Rules and
30 Procedures for Adult Offenders.

31 * * *

§574.6. Parole term; automatic discharge

The parole term, when the committee orders an offender released on parole, shall be for the remainder of the offender's sentence, ~~with credits for compliance with the terms and conditions of parole supervision pursuant to R.S. 15:574.6.1.~~

When the parolee has completed his full parole term, he shall be discharged from parole by the Department of Public Safety and Corrections without order by the committee, provided that:

* * *

§574.9. Revocation of parole for violation of condition; committee panels; return to custody hearing; duration of reimprisonment and reparole after revocation; ~~credit for time served~~; revocation for a technical violation

* * *

H.(1)(a)(i) Except as provided in Subparagraph (b) of this Paragraph, any offender who has been released on parole prior to, on, or after the effective date of this Act and whose parole supervision is being revoked pursuant to the provisions of this Section for a technical violation of the conditions of parole, as determined by the committee on parole, shall be required to serve the following sentences:

* * *

(dd) If the offender is in a custodial substance abuse treatment program, the offender shall serve not more than one hundred eighty days.

* * *

SUBPART H. ALIEN REMOVAL PROCESS

§574.71. Definitions

As used in this Subpart:

(1) "Alien" shall have the same meaning as defined in 8 U.S.C. 1101.

(2) "Committee" means the Deportation Eligibility Hearing Committee, which shall be comprised of a three-member panel of the members of the committee on parole, and which shall hear and decide deportation eligibility cases as provided in this Subpart.

(3) "Department" means the Department of Public Safety and Corrections.

1 (4) "Removal" means the deportation of an alien from the United States to
2 another country.

3 §574.72. Alien removal process; deportation eligibility hearing

4 A. Notwithstanding any other provision of law to the contrary, an offender
5 shall be eligible for parole consideration and release for the purposes of deportation
6 or removal pursuant to this Section if the following conditions have been met:

7 (1) The offender is an alien who has a final order of removal or a detainer
8 issued by the Department of Homeland Security.

9 (2) The offender is not serving a sentence for either of the following:

10 (a) A sex offense as defined in R.S. 15:541.

11 (b) A crime of violence, as defined in R.S. 14:2(B), punishable by
12 imprisonment for ten years or more, life imprisonment, or death.

13 (3) The offender has been approved for a deportation eligibility hearing by
14 both the governor and the district attorney of the parish where the conviction was
15 obtained.

16 B. For any offender who meets the criteria of Subsection A of this Section,
17 the committee shall:

18 (1) Conduct an expedited pre-hearing investigation.

19 (2) Notify the district attorney and sheriff of the parish where the conviction
20 was obtained and any registered victim at least thirty days prior to any deportation
21 eligibility hearing.

22 (3) Conduct an expedited deportation eligibility hearing.

23 (4) Render its decision ordering or denying the release and transfer of the
24 offender for the purpose of deportation or removal within seven days of the hearing.

25 C. Any decision by the committee to grant an offender release on parole for
26 the purpose of deportation or removal shall include and recite the following
27 conditions of release:

28 (1) The offender shall only be released from physical state custody directly
29 to the custody of the Department of Homeland Security and shall be held in its
30 custody until the offender is physically removed from the United States.

1 (2) The remainder of the offender's sentence shall be suspended upon the
2 date the offender is transferred out of state custody.

3 (3) If the offender is deemed to be ineligible for deportation or removal for
4 any reason, the offender shall be transferred back to state custody to serve the
5 remainder of his current sentence.

6 (4) If deported or removed from the United States, the offender shall remain
7 outside of the United States and the state of Louisiana and shall not attempt to
8 reenter the country unless such reentry is in compliance with Title 8 of the United
9 States Code.

10 (5) If the offender is discovered or detained within the United States after
11 deportation or removal, the parole of the offender shall be automatically revoked by
12 the committee on parole and the offender shall be remanded to state custody to serve
13 out the balance of the suspended sentence.

14 D.(1) If the committee grants a release on parole for the purposes of
15 deportation or removal pursuant to this Section, the committee shall issue all orders
16 and paperwork necessary to transfer or deliver the offender to the custody of the
17 Department of Homeland Security.

18 (2) Upon release of the offender to the Department of Homeland Security,
19 the committee shall issue a warrant for the return of the offender to the custody of
20 the department to be executed if the offender is released from the custody of the
21 Department of Homeland Security for any reason other than deportation or removal.

22 E. The committee shall have sole discretion as provided by R.S. 15:574.11
23 regarding its decision to release the offender pursuant to this Section, and no person
24 shall have a right of appeal from any such decision.

25 * * *

26 §1199.24. Post-Conviction Veterans Mentor Program for incarcerated veterans;
27 eligibility criteria

28 A. Notwithstanding any other provision of law to the contrary, an offender
29 who is incarcerated shall be eligible for consideration to participate in the
30 Post-Conviction Veterans Mentor Program if all of the following conditions are met:

31 * * *

(5) The offender has not committed any major disciplinary offenses in ~~twelve~~ thirty-six consecutive months prior to the transfer. A major disciplinary offense is an offense identified as a Schedule B offense by the Department of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.

5 * * *

6 Section 2. R.S. 15:574.9(F) is hereby repealed in its entirety.

Section 3. The legislature recognizes that certain offenses do not permit an offender the ability to be eligible for a diminution of his sentence, also known as "good time", by good behavior and performance of work or self-improvement activities, or both. The legislature hereby declares that the provisions of Section 2 of Act 7 of the 2024 Second Extraordinary Session of the Legislature that pertain to an offender's eligibility for diminution of sentence pursuant to R.S. 15:571.3 shall only be applicable to offenders who commit an offense on or after April 29, 2024, until the effective date of this Act.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____