
SENATE COMMITTEE AMENDMENTS

2026 Regular Session

Substitute for Original Senate Bill No. 91 by Senator Mizell as proposed by Senate Committee on Judiciary C.

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 15:572.4(D) and Code of Criminal Procedure Art. 894.1(B)(33) and to enact Code of Criminal Procedure Art. 894.1(B)(34), relative to victims of domestic abuse, human trafficking, or sexual assault; to provide relative to applications for probation or commutation of sentence; to provide for exceptions; to provide relative to sentencing guidelines; to provide grounds for determining suspension of sentence or probation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:572.4(D) is hereby amended and reenacted to read as follows:

§572.4. Board of Pardons; rules, regulations, and procedures; notice; restrictions on applications; time periods for additional review

* * *

D.(1) Except as provided in Paragraph (2) **and (3)** of this Subsection, any applicant who has been sentenced to life imprisonment shall not be eligible to apply to the board for a pardon or commutation of sentence for a period of fifteen years after being sentenced by the trial court, except that periods of time prior to the imposition of the sentence in which the defendant was in actual custody for the offense for which the defendant was sentenced to life imprisonment shall be included in computing the fifteen-year period.

(2) ~~Any~~ **Except as provided in Paragraph (3) of this Subsection, any** applicant who has been sentenced to life imprisonment for an offense that is either a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 shall not be eligible to apply to the board for a pardon or commutation of sentence for a period of twenty-five years after being sentenced by the trial court, except that periods of time prior to the imposition of the sentence in which the defendant was in actual custody for the offense for which the defendant was sentenced to life imprisonment shall be included in computing the twenty-five-year

period. A person who is serving a life sentence resulting from a commutation of a sentence of death shall not thereafter be eligible to apply for commutation of sentence to a specific number of years.

(3)(a) Except as provided in Subparagraph (b) of this Paragraph, an applicant who was a documented victim of domestic abuse, human trafficking, trafficking of children for sexual purposes, or sexual assault at the time of the commission of the offense for which he was convicted is eligible to apply to the board for a pardon or commutation of sentence.

(b) Except as provided in Subparagraph (c) of this Paragraph, an applicant who has been sentenced to life imprisonment for a crime of violence as defined in R.S. 14:2(B) shall not be eligible to apply to the board for a pardon or commutation of sentence for a period of five years after being sentenced by the trial court.

(c) An applicant shall not be eligible to apply to the board for a pardon or commutation of sentence under Subparagraphs (a) or (b) of this Paragraph for any of the following:

(i) A conviction that would require the person to register as a sex offender.

(ii) A conviction resulting in a sentence of death.

(iii) A conviction under R.S. 14:40.1, 128.1, or 128.2.

~~(3)~~**(4)** If the application is denied, the applicant shall be notified in writing of the reason for the denial and thereafter may file a new application to the board no earlier than five years from the date of action by the board. Any subsequent applications shall not be filed earlier than five years after the immediately preceding action taken by the board.

~~(4)~~**(5)** The provisions of this Subsection shall not apply when the board determines that new and material evidence that, notwithstanding the exercise of reasonable diligence by the applicant, was not discovered before or during his trial, is available, and if it had been introduced at the trial, it would probably have changed the verdict or judgment of guilty.

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Section 2. Code of Criminal Procedure Art. 894.1(B)(33) is hereby amended and reenacted and Code of Criminal Procedure Art. 894.1(B)(34) is hereby enacted to read as follows:

Art. 894.1. Sentencing guidelines; generally

* * *

B. The following grounds, while not controlling the discretion of the court, shall be accorded weight in its determination of suspension of sentence or probation:

* * *

(33) The defendant is a victim of domestic abuse, human trafficking, trafficking of children for sexual purposes, or sexual assault and there was a rational, causal, and temporally proximate connection between the defendant's victimization and the instant offense. Upon such a finding, the court shall order a presentence investigation pursuant to Article 875.

(34) Any other relevant mitigating circumstance.

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Section 3. The legislature directs the Board of Pardons to review its existing rules, regulations, and procedures for consideration of clemency applications and adopt any rules, regulations, or procedures necessary to implement this act.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB Original 2026 Regular Session

Present law provides that any offender sentenced to life imprisonment is not eligible to apply to the Board of Pardons for a pardon or commutation of sentence for a period of 15 years after being sentenced. Present law also provides that any offender sentenced for a present law crime of violence or sex offense is not eligible to apply for a pardon or commutation of sentence for a period of 25 years after sentencing.

Proposed law provides an exception to present law allowing an offender who was a documented victim of domestic abuse, human trafficking, or sexual assault when he committed the offense for which he was convicted, to immediately apply for a pardon or commutation of sentence unless:

- (1) He was sentenced to life imprisonment for a crime of violence, in which case he will be eligible to apply five years after sentencing.
- (2) He was convicted of any of the following, for which application is prohibited:
 - (a) An offense that requires registration as a sex offender.

(b) An offense resulting in a sentence of death.

(c) Certain offenses relating to terrorism.

Proposed law otherwise retains present law.

Present law provides grounds the court will consider when exercising its discretion pertaining to suspension of sentence or probation.

Proposed law retains present law and adds that the court will consider the defendant's status as a victim of domestic abuse, human trafficking, trafficking of children for sexual purposes, or sexual assault and whether there was a rational, causal, and temporally proximate connection between the defendant's victimization and his committing the instant offense. Proposed law also provides that, if the court determines that there is a temporally proximate connection, it will order a presentence investigation pursuant to present law.

Proposed law directs the Board of Pardons to review its existing rules, regulations, and procedures for consideration of clemency applications submitted in accordance with proposed law and to adopt rules, regulations, or procedures as necessary to implement proposed law.

Effective August 1, 2026.

(Amends R.S. 15:572.4(D) and C.Cr.P. Art. 894.1(B)(33); adds C.Cr.P. Art. 894.1(34))