
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Murray (SB 223)

Proposed law creates the Louisiana Risk Review Panel within the Dept. Public Safety and Corrections (DPSC). Proposed law further provides that the secretary of DPSC may create up to three risk review panels.

Proposed law provides that each panel is to consist of five members:

- (1) A board certified psychologist, who is to be selected, on a rotating basis, from a pool of nine psychologists authorized and approved by the secretary of the department.
- (2) The warden, or in his absence the deputy warden, of the institution where the offender is incarcerated.
- (3) The secretary of the department or his designee, who is to be chairman.
- (4) A retired judge with criminal law experience, who is to be appointed by the governor.
- (5) A probation or parole officer with a minimum of 10 years experience, who is to be appointed by the governor.

Proposed law provides that a majority of the members of each panel constitutes a quorum, and all official actions of the panel require the affirmative vote of a majority of the members.

Proposed law provides that members of a panel, other than the secretary or his designee, the warden or deputy warden, or psychologists employed by the department, may receive a per diem for each day spent in actual attendance of meetings of the panel, the amount of which is to be fixed by the secretary in an amount not to exceed \$40 per hour. Proposed law further provides that members may receive a mileage allowance for mileage traveled in attending meetings, which amount is to be fixed by the panel in an amount not to exceed the mileage rate for state employees.

Proposed law provides that each panel is to meet either on the call of each chairman or upon the request of any three members.

Proposed law provides that the panels are to review presentence reports, prison records, medical and psychological records, information and data gathered by the staffs of the Board of Pardons and the committee on parole, information provided by the convicted person, the district attorney, the assistant district attorney, and any other information obtained by the Board of Pardons, the committee on parole, or the department.

Proposed law provides that the panel is to evaluate the risk of danger to society that each person who has been convicted of a crime, and who is confined in a prison facility of any kind, may present if released from confinement. Proposed law provides that the following persons are not eligible for review:

- (1) A person convicted of a crime of violence as defined by present law.
- (2) A person convicted of a sex offense as defined by present law when the victim is under the age of 18 years at the time of the offense.
- (3) A person convicted of a violation of the Uniform Controlled Dangerous Substances Law, except that the following persons are to be evaluated by the panel:
 - (a) A person convicted of simple possession of various controlled dangerous substances under present law.
 - (b) A person convicted of distribution or possession with the intent to distribute cocaine where the offense of which the person was convicted involves less than 28 grams of cocaine.
 - (c) A person convicted of distribution or possession with the intent to distribute marijuana where the offense of which the person was convicted involves less than one pound of marijuana.
 - (d) A person sentenced for any other violation of the Uniform Controlled Dangerous Substances Law who has served the mandatory minimum sentence in actual custody for the offense, or one-half of the sentence imposed, whichever is less.
 - (e) A person sentenced to a term of life imprisonment for a violation of the Uniform Controlled Dangerous Substances Law who has served at least seven years of the term of imprisonment in actual custody, except a person convicted of a sex offense under present law when the victim is under the age of 18 years at the time of the offense, or a person sentenced as a habitual offender under present law where one or more of the crimes for which the person was convicted and sentenced is a crime of violence as defined by present law.
- (4) A person sentenced as a habitual offender under present law where one or more of the crimes for which the person was convicted and sentenced is a crime of violence as defined by present law.

Proposed law provides that the secretary of DPSC, on or before 1/1/15, is to adopt and promulgate rules, regulations, and procedures under which the panels are to perform their duties, which rules are to include at least the following:

- (1) The requirements necessary for a convicted person to apply and be considered for risk

review, the type of crime committed, the age of the convicted person, the time served in confinement, the prison record of the convicted person, the damage or injury occasioned by the crime committed, any resources available to the person in the event of release, and any other criteria or information which the panel may deem to be advisable or helpful in the performance of its duty.

- (2) The psychological evaluations or other evaluations that will be utilized in order for the panel to make the risk evaluation required by proposed law.
- (3) The manner in which a victim of the crime or crimes committed by the convicted person may provide information to the panel.
- (4) The procedure by which persons who are to be evaluated may apply for such risk evaluation.
- (5) The frequency with which such persons may apply for risk evaluation.
- (6) The procedure by which risk evaluations are to be conducted, whether by record review, by hearing, or by both record review and hearing.
- (7) The manner in which a recommendation of the panel is to be determined, reported, and disseminated.

Proposed law provides that when a panel has determined by a preponderance of the evidence that a person will not present a risk of danger to society if released from confinement, the panel may recommend that the person be considered for clemency by the Board of Pardons or the panel may recommend that the person be considered for parole by the committee on parole. Proposed law further provides that the panel may also recommend to the appropriate board or committee such conditions for clemency or parole as it may deem advisable. Proposed law further provides that any recommendation of the panel is not to be binding on the Board of Pardons or the committee on parole.

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

(Adds R.S. 15:574.22)