

2015 Regular Session

HOUSE BILL NO. 472

BY REPRESENTATIVE ALFRED WILLIAMS

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

PAROLE: Provides for additional duties for the committee on parole and parole eligibility for certain offenders

1 AN ACT

2 To enact R.S. 15:574.2.2, relative to parole; to provide for additional duties for the
3 committee on parole; to provide for parole eligibility for certain offenders; to require
4 the committee on parole to study and review the case of certain eligible offenders;
5 to require the committee on parole to report its findings to the governor; to provide
6 for certain criteria the committee on parole shall consider in making its
7 determination; to provide relative to an offender's release on parole; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:574.2.2 is hereby enacted to read as follows:

11 §574.2.2. Additional duties of the committee on parole; parole eligibility for certain
12 offenders

13 A. To encourage and assist the governor in carrying out his constitutional
14 responsibility, any offender incarcerated in a correctional institution who meets all
15 of the following requirements shall be eligible to apply for a case review by the
16 committee on parole pursuant to the provisions of this Section:

17 (1) The offender is serving a sentence of not more than fifty years.

18 (2) The offender has no prior felony conviction.

19 (3) The offender has served at least fifteen years of the sentence imposed.

1 (4) The offender has exhausted all rights of appeal in both federal and state
2 court.

3 B. Upon receipt of an application for a case review by an offender described
4 in Subsection A of this Section, the committee shall thoroughly review the case
5 history and prison record of the offender and prepare and submit a report to the
6 governor with a recommendation that the governor either grant or deny executive
7 clemency. The committee shall provide the report to the governor within six months
8 of the date that the committee received the application from the offender. A copy
9 of the report shall also be provided to the offender, on the same day that the report
10 is provided to the governor, to allow the offender an opportunity to assess his
11 progress.

12 C. If the committee determines, after a study and review of the offender's
13 case pursuant to the provisions of this Section, that the offender was physically,
14 mentally, emotionally, or sexually abused and such abuse, or the offender's age,
15 maturity level, or some other contributing influence affected the offender's judgment
16 at the time of the offense, the committee shall include such determination in its
17 report and the offender shall be eligible for parole consideration.

18 D. If an offender is released on parole pursuant to the provisions of this
19 Section, the offender shall be under the supervision of the committee for a period of
20 time to be determined by the committee.

21 E. Nothing in this Section shall limit the review of the case of any other
22 offender who has applied for clemency, nor shall it limit in any way the governor's
23 power to grant clemency.

24 F. In making its determination, in addition to any other information or
25 criteria that it finds relevant, the committee shall consider all of the following:

- 26 (1) Length of time served by the offender.
27 (2) The offender's prison record and self-rehabilitation efforts.
28 (3) Evidence of physical, mental, emotional, or sexual abuse of the offender.

1 (4) The offender's role in the perpetration of the crime and the degree of
2 violence exhibited.

3 (5) Whether the offender was offered a plea bargain, and if so, why the
4 offender rejected or accepted the offered plea.

5 (6) The severity of the sentence relative to the offender's role in the offense.

6 (7) The age and maturity of the offender at the time of the offense and any
7 contributing influence affecting the offender's judgment.

8 (8) Whether the offender has given substantial thought to a workable parole
9 plan.

10 G. If the offender is denied executive clemency or parole, the offender may
11 reapply for a case review pursuant to the provisions of this Section every ten years
12 from the date on which the report was issued to the governor or the date on which
13 parole was denied.

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 472 Original

2015 Regular Session

Alfred Williams

Abstract: Provides for additional duties for the committee on parole and parole eligibility for certain offenders.

Present law (La. Const. Art. IV, §5) authorizes the governor to grant reprieves to persons convicted of offenses against the state and, upon favorable recommendation of the Board of Pardons, may commute sentences and pardon those convicted of offenses against the state.

Present law provides for the Board of Pardons and committee on parole, and provides for the membership, qualifications, powers, and duties of each of these entities.

Present law provides for certain requirements an offender must meet to be eligible for parole consideration by the committee on parole.

Proposed law retains present law and provides for additional duties for the committee on parole and parole eligibility for certain offenders as follows:

- (1) Authorizes any offender incarcerated in a correctional institution to apply for a case review by the committee on parole if the offender is serving a sentence of not more than 50 years, has no prior felony conviction, has served at least 15 years of the sentence, and has exhausted all rights of appeal in both federal and state courts.
- (2) Requires the committee on parole to study and review the case of any offender who submits an application pursuant to the provisions of proposed law and requires the

- committee on parole to prepare and submit a report to the governor, within six months of receiving the application for case review, with a recommendation that the governor either grant or deny executive clemency.
- (3) Provides that if the committee on parole determines, after a study and review of the offender's case, that the offender was physically, mentally, emotionally, or sexually abused and such abuse, or the offender's age, maturity level, or some other contributing influence, affected the offender's judgment at the time of the offense, the committee shall include such determination in its report and the offender shall be eligible for parole consideration.
- (4) Provides that an offender is released on parole pursuant to the provisions of proposed law, the offender shall be under the supervision of the committee on parole for a period of time to be determined by the committee.
- (5) Provides that nothing in proposed law shall limit the review of the case of any other offender who has applied for clemency, nor shall it limit in any way the governor's power to grant clemency.
- (6) In making its determination, requires the committee on parole to consider all of the following in addition to any other criteria it finds relevant:
- (a) Length of time served by the offender.
 - (b) The offender's prison record and self-rehabilitation efforts.
 - (c) Evidence of physical, mental, emotional, or sexual abuse of the offender.
 - (d) The offender's role in the perpetration of the crime and the degree of violence exhibited.
 - (e) Whether the offender was offered a plea bargain, and if so, why the offender rejected or accepted the offered plea.
 - (f) The severity of the sentence relative to the offender's role in the offense.
 - (g) The age and maturity of the offender at the time of the offense and any contributing influence affecting the offender's judgment.
 - (h) Whether the offender has given substantial thought to a workable parole plan.
- (7) If the offender is denied executive clemency or parole, authorizes the offender to reapply for a case review pursuant to the provisions of proposed law every ten years from the date on which the report was issued to the governor or the date on which parole was denied.

(Adds R.S. 15:574.2.2)