

2015 Regular Session

HOUSE BILL NO. 161

BY REPRESENTATIVE TERRY LANDRY

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

PAROLE: Provides with respect to technical parole violations

1 AN ACT

2 To amend and reenact R.S. 15:574.9(G)(1)(a), relative to revocation of parole for a violation
3 of condition; to establish penalties for second and third technical parole violations;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:574.9(G)(1)(a) is hereby amended and reenacted to read as
7 follows:

8 §574.9. Revocation of parole for violation of condition; committee panels; return
9 to custody hearing; duration of reimprisonment and reparole after revocation;
10 credit for time served; revocation for a technical violation

11 * * *

12 G.(1)(a)(i) Except as provided in Subparagraph (b) of this Paragraph, any
13 offender who has been released on parole and whose parole supervision is being
14 revoked ~~under~~ pursuant to the provisions of this Subsection for his first a technical
15 violation of the conditions of parole as determined by the committee on parole, shall
16 be required to serve ~~not more than ninety days~~, the following sentences:

17 (aa) For the first technical violation, the offender shall serve not more than
18 ninety days.

19 (bb) For a second technical violation, the offender shall serve not more than
20 one hundred twenty days.

21 (cc) For a third technical violation, the offender shall serve not more than
22 one hundred eighty days.

1 (ii) The sentences imposed pursuant to Item (i) of this Subparagraph shall
 2 be served without diminution of sentence or credit for time served prior to the
 3 revocation for a technical violation. The term of the revocation for the technical
 4 violation shall begin on the date the Board of Parole orders the revocation. Upon
 5 completion of the imposed technical revocation sentence, the offender shall return
 6 to active parole supervision for the remainder of the original term of supervision.
 7 ~~The provisions of this Subsection shall apply only to an offender's first revocation~~
 8 ~~for a technical violation.~~
 9 * * *

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)]

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Abstract: Provides that an offender may have more than one technical parole violation, and establishes penalties for second and third technical parole violations.

Present law provides that a person who is having his parole revoked for a first technical violation of parole shall be required to serve not more than 90 days without diminution of sentence or credit for time served prior to the revocation.

Proposed law retains this provision of present law and adds a sentence not to exceed 120 days for a second violation and 180 days for a third violation. All time periods are served without diminution of sentence or credit for time served prior to the revocation.

Present law provides that a "technical violation" means any violation except it shall not include being arrested, charged, or convicted of any of the following:

- (1) A felony.
- (2) Any intentional misdemeanor directly affecting the person.
- (3) At the discretion of the Board of Parole, any attempt to commit any intentional misdemeanor directly affecting the person.
- (4) At the discretion of the Board of Parole, any attempt to commit any other misdemeanor.
- (5) Being in possession of a firearm or other prohibited weapon.
- (6) Failing to appear at any court hearing.
- (7) Absconding from the jurisdiction of the Board of Parole.

(Amends R.S. 15:574.9(G)(1)(a))