

2016 Regular Session

HOUSE BILL NO. 554

BY REPRESENTATIVE MARCELLE

JUVENILE PROCEDURE: Provides with respect to parole eligibility of juvenile offenders
for certain offenses

1 AN ACT

2 To amend and reenact R.S. 15:574.4(D)(1)(a) and (E)(1)(introductory paragraph) and (a),
3 to enact R.S. 15:574.4(E)(4) and (F), and to repeal Code of Criminal Procedure
4 Article 878.1, relative to parole eligibility; to provide relative to parole eligibility for
5 certain juvenile offenders sentenced to life imprisonment; to amend conditions for
6 parole eligibility for certain juvenile offenders sentenced to life imprisonment for
7 non-homicide and homicide offenses; to provide for retroactive application of certain
8 parole eligibility provisions for juvenile offenders; to provide relative to parole
9 eligibility for certain juvenile offenders who are not serving a life sentence; to repeal
10 provisions relative to a sentencing hearing for juvenile offenders who are sentenced
11 to life imprisonment; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 15:574.4(D)(1)(a) and (E)(1)(introductory paragraph) and (a) are
14 hereby amended and reenacted and R.S. 15:574.4(E)(4) and (F) are hereby enacted to read
15 as follows:

16 §574.4. Parole; eligibility

17 * * *

18 D.(1) Notwithstanding any provision of law to the contrary, any person
19 serving a sentence of life imprisonment who was under the age of eighteen years at

1 the time of the commission of the offense, except for a person serving a life sentence
2 for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S.
3 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this
4 Subsection if all of the following conditions have been met:

5 (a) The offender has served ~~thirty~~ twenty years of the sentence imposed.

6 * * *

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

14 (a) The offender has served ~~thirty-five~~ twenty-five years of the sentence
15 imposed.

16 * * *

17 (4) The provisions of this Subsection shall apply retroactively and
18 prospectively to all offenders included in this Subsection, regardless of the date of
19 the offense or conviction.

20 F. Any person serving a sentence, other than a life sentence, who was under
21 the age of eighteen years at the time of the commission of the offense shall be
22 eligible for parole consideration upon serving fifteen years of the sentence imposed
23 unless eligible for parole at an earlier date.

24 Section 2. Code of Criminal Procedure Article 878.1 is hereby repealed in its
25 entirety.

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 554 Engrossed

2016 Regular Session

Marcelle

Abstract: Provides relative to parole eligibility for certain persons serving a sentence of imprisonment for an offense committed when the person was under the age of 18 years.

Present law provides for the following relative to parole eligibility of certain persons serving a life sentence for an offense committed when the person was under the age of 18 years:

- (1) For non-homicide offenses, the person shall be eligible for parole when certain conditions are met, including the requirement that the person serve 30 years of the sentence imposed.
- (2) For 1st degree murder or 2nd degree murder, the person shall be eligible for parole if a judicial determination has been made that the person is entitled to parole eligibility pursuant to a sentencing hearing provided for in present law (C.Cr.P. Art. 878.1) and certain conditions are met, including the requirement that the person serve 35 years of the sentence imposed.

Present law further provides that for persons who are eligible for parole consideration pursuant to these provisions of present law:

- (1) The committee on parole shall meet in a three-member panel.
- (2) Each member of the panel shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior.
- (3) The panel shall render specific findings of fact in support of its decision.

Present law (C.Cr.P. Art. 878.1) provides that in any case where an offender is to be sentenced to life imprisonment for a conviction of 1st degree murder or 2nd degree murder, where the offender was under the age of 18 years at the time of the commission of the offense, a hearing shall be conducted prior to sentencing to determine whether the sentence shall be imposed with or without parole eligibility.

Proposed law does all of the following:

- (1) For non-homicide offenses, retains present law but decreases the amount of time that the person is required to serve to become parole eligible from 30 years to 20 years.
- (2) For 1st degree murder and 2nd degree murder, removes the requirement of a judicial determination pursuant to present law (C.Cr.P. Art. 878.1) and decreases the amount of time that the person is required to serve to become parole eligible from 35 years to 25 years. Further provides, that these provisions of proposed law shall apply retroactively and prospectively regardless of the date of the offense or conviction.
- (3) Proposed law provides eligibility for parole consideration for any person serving a sentence, other than a life sentence, who was under the age of 18 years at the time of the commission of the offense upon serving 15 years of the sentence imposed unless the person is eligible for parole at an earlier date.

- (4) Repeals present law provision (C.Cr.P. Art. 878.1) that provides for the sentencing hearing to determine whether certain juvenile offenders should be sentenced to life imprisonment for the commission of 1st degree or 2nd degree murder.

(Amends R.S. 15:574.4(D)(1)(a) and (E)(1)(introductory paragraph) and (a); Adds R.S. 15:574.4(E)(4) and (F); Repeals C.Cr.P. Article 878.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Add language to amend the condition that the juvenile be required to serve the following number of years prior to becoming parole eligible:
 - (a) For non-homicide offenses – decreases the number of years the offender is required to serve from 30 years to 20 years.
 - (b) For homicide offenses-decreases the number of years the offender is required to serve from 35 years to 25 years.
2. Provide eligibility for parole consideration for any person serving a sentence, other than a life sentence, who was under the age of 18 years at the time of the commission of the offense upon serving 15 years of the sentence imposed unless the person is eligible for parole at an earlier date.
3. Repeal present law provision (C.Cr.P. Art. 878.1) that provides for a sentencing hearing to determine whether certain juvenile offenders should be sentenced to life imprisonment for the commission of 1st degree or 2nd degree murder.