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## DIGEST

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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 1<sup>st</sup> degree or 2<sup>nd</sup> 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 1<sup>st</sup> degree or 2<sup>nd</sup> degree murder.