The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by McHenry Lee.

DIGEST 2017 Regular Session

Claitor

<u>Present law</u> provides relative to parole eligibility for certain imprisoned offenders under certain circumstances.

In *Miller v. Alabama*, 567 U.S. _____, 132 S.Ct. 2455 (2012), the Supreme Court held that mandatory life imprisonment without the possibility of parole for an offender under the age of 18 violates the 8th Amendment's prohibition on cruel and unusual punishment.

Additionally, in *Montgomery v. Louisiana*, 577 U.S. _____, 136 S.Ct. 718 (2016), the Supreme Court held that *Miller's* prohibition on mandatory life without parole for juveniles must be applied retroactively. The court further held that a state may remedy a *Miller* violation by extending parole eligibility to juvenile offenders.

<u>Present law</u> provides that in any case where the offender is to be sentenced to life imprisonment for a conviction of first degree murder or second degree murder, and the offender was under the age of 18 years at the time of the commission of the offense, a hearing is to be conducted prior to sentencing to determine whether the sentence will be imposed with or without parole eligibility.

Proposed law repeals present law.

SB 16 Reengrossed

<u>Present law</u> provides parole eligibility for a juvenile offender who is serving a life sentence and who was under the age of 18 at the time of the commission of the offense, except for a person convicted of first degree murder or second degree murder. <u>Present law</u> further provides that such a person is entitled to parole eligibility if certain conditions are met, including the requirement that the person serve 30 years of the sentence imposed.

<u>Proposed law</u> provides that any person serving a life sentence who was under 18 at the time of the commission of the offense, regardless of the date of conviction and sentence, is eligible for parole if certain conditions are met, including the requirement that the person serve 25 years of the sentence imposed.

<u>Present law</u> provides parole eligibility for a juvenile offender serving a life sentence for first degree murder or second degree murder who was under the age of 18 at the time of the offense. <u>Present law</u> further provides parole eligibility for such a person if a judicial determination has been made that the person is entitled to parole eligibility pursuant to a sentencing hearing and certain conditions are met, including the requirement that the person serve 35 years of the sentence imposed.

Proposed law repeals present law.

<u>Present law</u> provides that for a person who is eligible for parole consideration pursuant to <u>present law</u>, the committee on parole is to meet in a three-member panel, each member of the panel is to be provided with and is to consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior, and the panel must render specific findings of fact in support of its decision.

Proposed law retains present law.

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

(Amends R.S. 15:574.4(D)(1)(intro para) and 574.4(D)(1)(a) and (D)(2); repeals C.Cr.P. Art. 878.1 and R.S. 15:574.4(E))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

- 1. Repeals provision requiring a hearing before sentencing to determine whether the sentence will be imposed with or without parole eligibility.
- 2. Repeals provision providing for parole eligibility specifically for first degree murder and second degree murder offenses.
- 3. Removes the provisions providing retroactive application for parole eligibility.