

2019 Regular Session

HOUSE BILL NO. 540

BY REPRESENTATIVE BAGNERIS

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

PAROLE: Provides relative to parole violations

1 AN ACT

2 To amend and reenact R.S. 15:574.10, relative to parole violations; to provide relative to the  
3 serving of a concurrent or consecutive sentence; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 15:574.10 is hereby amended and reenacted to read as follows:

6 §574.10. Conviction of a felony while on parole

7 When a person is convicted in this state of a felony committed while on  
8 parole or is convicted under the laws of any other state or of the United States or any  
9 foreign government or country of an offense committed while on parole, and which  
10 if committed in this state would be a felony, his parole shall be deemed revoked as  
11 of the date of the commission of the felony or such offense under the laws of the  
12 other jurisdiction. His parole officer shall inform the sentencing judge of the fact  
13 that the convicted defendant is a parole violator. The term for which the defendant  
14 shall be imprisoned as a parole violator shall be the same as that provided in cases  
15 of revocation of parole for violation of the conditions of parole. The new sentence  
16 of imprisonment shall be served ~~consecutively to~~ concurrently with the term of  
17 imprisonment for violation of parole unless a ~~concurrent~~ consecutive term of  
18 imprisonment is directed by the court. An appeal by the defendant on the new  
19 conviction or sentence shall not suspend the revocation provisions of this Section,  
20 unless the defendant has been admitted to post-conviction bail on the new sentence

1 of imprisonment. In the event of a successful appeal of the new conviction or  
2 sentence, the state shall be liable for any loss of income sustained by the defendant  
3 due to such revocation of parole.

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#### 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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HB 540 Engrossed

2019 Regular Session

Bagneris

**Abstract:** Provides that when parole is revoked for the commission of a new offense, the sentence imposed for the parole violation shall be served concurrently with the sentence imposed for the new offense unless the court orders otherwise.

Present law provides that when a person is convicted of a felony that was committed while on parole, parole shall be deemed revoked as of the date of the commission of the felony. Further provides that the new sentence of imprisonment shall be served consecutively to the term of imprisonment for violation of parole unless a concurrent term of imprisonment is directed by the court.

Proposed law amends present law to provide that the new sentence of imprisonment shall be served concurrently with the term of imprisonment for the violation of parole unless a consecutive term of imprisonment is directed by the court.

(Amends R.S. 15:574.10)

#### Summary of Amendments Adopted by House

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

1. Remove from proposed law changes to the provision which provides relative to the credit a person receives for time served while on parole when parole is revoked.