2020 Regular Session

HOUSE BILL NO. 149

BY REPRESENTATIVE BRYANT

PARDON/PAROLE: Provides relative to the length of time certain applicants are required to wait before filing a subsequent application for a pardon or commutation of sentence after a denial

1	AN ACT
2	To amend and reenact R.S. 15:572.4(D), relative to pardons; to provide relative to the time
3	periods in which persons serving a life sentence may apply for a pardon or
4	commutation of sentence; to reduce the length of time an applicant is required to
5	wait before filing a subsequent application after a denial; and to provide for related
6	matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 15:572.4(D) is hereby amended and reenacted to read as follows:
9	§572.4. Board of Pardons; rules, regulations, and procedures; notice; restrictions on
10	applications; time periods for additional review
11	* * *
12	D. Notwithstanding any provisions of law to the contrary, any applicant who
13	has been sentenced to life imprisonment shall not be eligible to apply to the board
14	for a pardon or commutation of sentence for a period of fifteen years after being
15	sentenced by the trial court, except that periods of time prior to the imposition of the
16	sentence in which the defendant was in actual custody for the offense for which he
17	was sentenced to life imprisonment shall be included in computing the fifteen-year
18	period. If the application is denied, the applicant shall be notified in writing of the
19	reason for the denial and thereafter may file a new application to the board no earlier

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

than five two years from the date of action by the board. Any subsequent applications shall not be filed earlier than five two years after the immediately preceding action taken by the board. However, the provisions of this Subsection shall not apply when the board determines that new and material evidence that, notwithstanding the exercise of reasonable diligence by the applicant, was not discovered before or during his trial, is available, and if it had been introduced at the trial, it would probably have changed the verdict or judgment of guilty.

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 149 Original	2020 Regular Session	Bryant

Abstract: Reduces the time period an applicant sentenced to life imprisonment is required to wait before filing a subsequent application to the Board of Pardons after a denial of an initial application.

<u>Present law</u> provides that persons sentenced to life imprisonment are ineligible to apply to the Board of Pardons for a pardon or commutation of sentence for 15 years after being sentenced by the trial court, except that periods of time prior to the imposition of the sentence in which the defendant was in actual custody for the offense he was sentenced to life imprisonment shall be included in computing the 15-year period.

Proposed law retains present law.

<u>Present law</u> provides that if the initial application is denied, the applicant may file a new application to the board no earlier than five years from the date of action of the board. Provides that any subsequent applications cannot be filed earlier than five years from the preceding action by the board.

<u>Proposed law</u> reduces these time periods <u>from</u> five years to two years.

(Amends R.S. 15:572.4(D))