## **ACT No. 276**

HOUSE BILL NO. 444

BY REPRESENTATIVES FREIBERG, ADAMS, BRYANT, ROBBY CARTER, WILFORD CARTER, COX, FISHER, GLOVER, HUGHES, JEFFERSON, JENKINS, TRAVIS JOHNSON, KNOX, LAFLEUR, LARVADAIN, LYONS, DUSTIN MILLER, MOORE, NEWELL, PIERRE, SELDERS, THOMPSON, AND WILLARD

1	AN ACT
2	To amend and reenact R.S. 15:574.2(C)(2)(e), 574.4(A)(4)(e), (B)(2)(a)(vi), (b)(vi), (c)(vi),
3	and (d)(vi), (D)(1)(e)(introductory paragraph), (E)(1)(e)(introductory paragraph),
4	(F)(1)(e)(introductory paragraph), (G)(1)(e)(introductory paragraph), and
5	(J)(1)(e)(introductory paragraph), and R.S. 15:574.4.2(E) and to enact R.S.
6	15:574.4(D)(1)(e)(iv), (E)(1)(e)(iv), (F)(1)(e)(iv), (G)(1)(e)(iv), and (J)(1)(e)(iv),
7	relative to parole eligibility for certain offenders; to provide relative to the conditions
8	for parole eligibility; to provide for an effective date; and to provide for related
9	matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 15:574.2(C)(2)(e), 574.4(A)(4)(e), (B)(2)(a)(vi), (b)(vi), (c)(vi), and
12	(d)(vi), (D)(1)(e)(introductory paragraph), (E)(1)(e)(introductory paragraph),
13	(F)(1)(e)(introductory paragraph), (G)(1)(e)(introductory paragraph), and
14	(J)(1)(e)(introductory paragraph), and R.S. 15:574.4.2(E) are hereby amended and reenacted
15	and R.S. 15:574.4(D)(1)(e)(iv), (E)(1)(e)(iv), (F)(1)(e)(iv), (G)(1)(e)(iv), and (J)(1)(e)(iv)
16	are hereby enacted to read as follows:
17	§574.2. Committee on parole, Board of Pardons; membership; qualifications;
18	vacancies; compensation; domicile; venue; meetings; quorum; panels;
19	powers and duties; transfer of property to committee; representation of
20	applicants before the committee; prohibitions
21	* * *
22	C.
23	* * *

Page 1 of 9

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

HB NO. 444 ENROLLED

1	(2) Except in cases where the offender is released pursuant to Paragraph (4)
2	of this Subsection, the committee may grant parole with two votes of a three-member
3	panel, or, if the number exceeds a three-member panel, a majority vote of those
4	present if all of the following conditions are met:
5	* * *
6	(e) The offender has obtained or completed a GED credential, unless the
7	offender has previously obtained a high school diploma or is deemed by a certified
8	educator as being incapable of obtaining a GED credential due to a learning
9	disability. If the offender is deemed incapable of obtaining a GED credential, the
10	offender must complete at least one of the following:
11	(i) a A literacy program.
12	(ii) an An adult basic education program;.
13	(iii) or a A job skills training program.
14	(iv) A high school equivalency certificate.
15	* * *
16	§574.4. Parole; eligibility; juvenile offenders
17	A.
18	* * *
19	(4) Notwithstanding any other provision of law to the contrary, unless
20	eligible for parole at an earlier date, a person committed to the Department of Public
21	Safety and Corrections for a term or terms of imprisonment with or without benefit
22	of parole who has served at least ten years of the term or terms of imprisonment in
23	actual custody shall be eligible for parole consideration upon reaching the age of
24	sixty years if all of the following conditions have been met:
25	* * *
26	(e) The offender has obtained a GED credential, unless the offender has
27	previously obtained a high school diploma or is deemed by a certified educator as
28	being incapable of obtaining a GED credential due to a learning disability. If the
29	offender is deemed incapable of obtaining a GED credential, the offender shall
30	complete or completed at least one of the following:

HB NO. 444 **ENROLLED** 1 (i) a A literacy program, 2 (ii) an An adult basic education program, 3 (iii) or a A job-skills training program. 4 (iv) A high school equivalency certificate. 5 6 B. 7 8 (2) Notwithstanding any provision of law to the contrary, any person serving 9 a life sentence, with or without the benefit of parole, who has not been convicted of 10 a crime of violence as defined by R.S. 14:2(B), a sex offense as defined by R.S. 11 15:541, or an offense, regardless of the date of conviction, which would constitute 12 a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S. 13 15:541, shall be eligible for parole consideration as follows: 14 (a) If the person was at least eighteen years of age and under the age of 15 twenty-five years at the time he was sentenced to life imprisonment, he shall be 16 eligible for parole consideration if all of the following conditions have been met: 17 18 (vi) The person has obtained a GED credential, unless the prisoner has 19 previously obtained a high school diploma or is deemed by a certified educator as 20 being incapable of obtaining a GED credential due to a learning disability or because 21 such programming is not available. If the prisoner is deemed incapable of obtaining 22 a GED credential, the person shall complete or completed at least one of the 23 following: 24 (aa) a A literacy program, 25 (bb) an An adult basic education program, 26 (cc) or a A job-skills training program.

(dd) A high school equivalency certificate.

27

HB NO. 444 ENROLLED

1	(b) If the person was at least twenty-five years of age and under the age of
2	thirty-five years at the time he was sentenced to life imprisonment, he shall be
3	eligible for parole consideration if all of the following conditions have been met:
4	* * *
5	(vi) The person has obtained a GED credential, unless the prisoner has
6	previously obtained a high school diploma or is deemed by a certified educator as
7	being incapable of obtaining a GED credential due to a learning disability or because
8	such programming is not available. If the prisoner is deemed incapable of obtaining
9	a GED credential, the person shall complete or completed at least one of the
10	following:
11	(aa) a A literacy program;.
12	(bb) an An adult basic education program,
13	(cc) or a A job-skills training program.
14	(dd) A high school equivalency certificate.
15	(c) If the person was at least thirty-five years of age and under the age of
16	fifty years at the time he was sentenced to life imprisonment, he shall be eligible for
17	parole consideration if all of the following conditions have been met:
18	* * *
19	(vi) The person has obtained a GED credential, unless the prisoner has
20	previously obtained a high school diploma or is deemed by a certified educator as
21	being incapable of obtaining a GED credential due to a learning disability or because
22	such programming is not available. If the prisoner is deemed incapable of obtaining
23	a GED credential, the person shall complete or completed at least one of the
24	following:
25	(aa) a A literacy program.
26	(bb) an An adult basic education program,
27	(cc) or a A job-skills training program.
28	(dd) A high school equivalency certificate.

HB NO. 444	ENROLLEI

1	(d) If the person was at least fifty years of age at the time he was sentenced
2	to life imprisonment, he shall be eligible for parole consideration if all of the
3	following conditions have been met:
4	* * *
5	(vi) The person has obtained or completed a GED credential, unless the
6	prisoner has previously obtained a high school diploma or is deemed by a certified
7	educator as being incapable of obtaining a GED credential due to a learning
8	disability or because such programming is not available. If the prisoner is deemed
9	incapable of obtaining a GED credential, the person shall complete at least one of the
10	following:
11	(aa) a A literacy program,.
12	(bb) an An adult basic education program.
13	(cc) or a A job skills training program.
14	(dd) A high school equivalency certificate.
15	* * *
16	D.(1) Notwithstanding any provision of law to the contrary, any person
17	serving a sentence of life imprisonment who was under the age of eighteen years at
18	the time of the commission of the offense, except for a person serving a life sentence
19	for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S.
20	14:30.1), shall be eligible for parole consideration pursuant to the provisions of this
21	Subsection if all of the following conditions have been met:
22	* * *
23	(e) The offender has obtained a GED certification, unless the offender has
24	previously obtained a high school diploma or is deemed by a certified educator as
25	being incapable of obtaining a GED certification due to a learning disability. If the
26	offender is deemed incapable of obtaining a GED certification, the offender shall
27	complete or completed at least one of the following:
28	* * *
29	(iv) A high school equivalency certificate.
30	* * *

HB NO. 444 <u>ENROLLED</u>

E.(1) Notwithstanding any provision of law to the contrary and except as provided in Subsection G of this Section, any person serving a sentence of life imprisonment for a conviction of first degree murder (R.S. 14:30) who was under the age of eighteen years at the time of the commission of the offense and whose indictment for the offense is on or after August 1, 2017, shall be eligible for parole consideration pursuant to the provisions of this Subsection if a judicial determination has been made that the person is entitled to parole eligibility pursuant to Code of Criminal Procedure Article 878.1(A) and all of the following conditions have been met:

\* \* \*

(e) The offender has obtained a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification due to a learning disability. If the offender is deemed incapable of obtaining a GED certification, the offender shall complete or completed at least one of the following:

\* \* \*

## (iv) A high school equivalency certificate.

\* \* \*

F.(1) Notwithstanding any provision of law to the contrary and except as provided in Subsection G of this Section, any person serving a sentence of life imprisonment for a conviction of second degree murder (R.S. 14:30.1) who was under the age of eighteen years at the time of the commission of the offense and whose indictment for the offense is on or after August 1, 2017, shall be eligible for parole consideration if all of the following conditions have been met:

\* \* \*

(e) The offender has obtained a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification due to a learning disability. If the

HB NO. 444	<b>ENROLLED</b>
11D 110, 111	L. WOLLED

1	offender is deemed incapable of obtaining a GED certification, the offender shall
2	complete or completed at least one of the following:
3	* * *
4	(iv) A high school equivalency certificate.
5	* * *
6	G.(1) Notwithstanding any provision of law to the contrary, any person
7	serving a sentence of life imprisonment for a conviction of first degree murder (R.S.
8	14:30) or second degree murder (R.S. 14:30.1) who was under the age of eighteen
9	years at the time of the commission of the offense and whose indictment for the
10	offense was prior to August 1, 2017, shall be eligible for parole consideration
11	pursuant to the provisions of this Subsection if a judicial determination has been
12	made that the person is entitled to parole eligibility pursuant to Code of Criminal
13	Procedure Article 878.1(B) and all of the following conditions have been met:
14	* * *
15	(e) The offender has obtained a GED certification, unless the offender has
16	previously obtained a high school diploma or is deemed by a certified educator as
17	being incapable of obtaining a GED certification due to a learning disability. If the
18	offender is deemed incapable of obtaining a GED certification, the offender shall
19	complete or completed at least one of the following:
20	* * *
21	(iv) A high school equivalency certificate.
22	* * *
23	J.(1) Notwithstanding any provision of law to the contrary, and except as
24	provided in Subsections D, E, F, G, and H of this Section, any person serving a term
25	or terms of imprisonment that result in a period of incarceration of twenty-five years
26	or more and who was under the age of eighteen years at the time of the commission
27	of the offense shall be eligible for parole consideration pursuant to the provisions of
28	this Subsection if all of the following conditions have been met:
29	* * *

HB NO. 444 ENROLLED

1	(e) The offender has obtained a GED certification, unless the offender has
2	previously obtained a high school diploma or is deemed by a certified educator as
3	being incapable of obtaining a GED certification due to a learning disability. If the
4	offender is deemed incapable of obtaining a GED certification, the offender shall
5	complete or completed at least one of the following:
6	* * *
7	(iv) A high school equivalency certificate.
8	* * *
9	§574.4.2. Decisions of committee on parole; nature, order, and conditions of parole;
10	rules of conduct; infectious disease testing
11	* * *
12	E.(1) Before the committee on parole places a person on parole, the
13	committee shall determine if he has a high school diploma or its equivalent and, if
14	he does not, the committee shall condition parole upon the parolee's enrolling in or
15	completion of and attending an adult education or reading program until he obtains
16	a GED credential, or until he completes such educational programs required by the
17	committee, and has attained a sixth grade reading level, or until his term of parole
18	expires, whichever occurs first. All costs shall be paid by the parolee. If the
19	committee finds that there are no adult education or reading programs in the parish
20	in which the parolee is domiciled, the parolee is unable to afford such a program, or
21	attendance would create an undue hardship on the parolee, the committee may
22	suspend this condition of parole. one of the following:
23	(a) A literacy program.
24	(b) An adult basic education program.
25	(c) A job skills training program.
26	(d) A high school equivalency certificate.
27	(2) The provisions of this Subsection shall not apply to those parolees who
28	have already obtained a high school equivalency certificate or high school diploma

1 or who are mentally, physically, or by reason of age, infirmity, dyslexia, or other 2 such learning disorders, unable to participate. 3 4 Section 2. This Act shall become effective upon signature by the governor or, if not 5 signed by the governor, upon expiration of the time for bills to become law without signature 6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 7 vetoed by the governor and subsequently approved by the legislature, this Act shall become 8 effective on the day following such approval. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

**ENROLLED** 

HB NO. 444

APPROVED: \_\_\_\_\_