Regular Session, 2011

HOUSE BILL NO. 416

BY REPRESENTATIVE LOPINTO

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

PARODE: Amends timing of parole eligibility for certain offenders

AN ACT

To amend and reenact R.S. 15:574.4(A)(1), relative to parole eligibility; to provide for parole eligibility for certain offenders after serving a certain portion of the criminal sentence; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4(A)(1) is hereby amended and reenacted to read as follows:

§574.4. Parole; eligibility

A.(1)(a) Unless eligible at an earlier date and except ~~Except~~ as provided for in Subparagraph (b) of this Paragraph and Subsection B of this Section, a person, otherwise eligible for parole, convicted of a first felony offense shall be eligible for parole consideration upon serving ~~one-third~~ thirty-three and one-third percent of the sentence imposed. Upon conviction of a second felony offense, such person shall be eligible for parole consideration upon serving ~~one-half~~ fifty percent of the sentence imposed. A person convicted of a third or subsequent felony offense shall not be eligible for parole.

(b)(i) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, a person, otherwise eligible for parole, convicted of a first or second felony offense shall be eligible for parole consideration upon serving twenty-five percent of the sentence imposed. Upon conviction of a third felony offense, such person shall be eligible for parole consideration upon serving fifty percent of the sentence imposed.

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A person convicted of a fourth or subsequent felony offense shall not be eligible for parole. The provisions of this Subparagraph shall not apply to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B), has been convicted of a sex offense as defined in R.S. 15:541, has been sentenced as a habitual offender pursuant to R.S. 15:529.1, or is otherwise ineligible for parole.

(ii) Any person eligible for parole pursuant to the provisions of this Subparagraph shall not be eligible for parole pursuant to the provisions of Subparagraph (a) of this Paragraph.

(iii) Nothing in this Subparagraph shall prevent a person from reapplying for parole as provided by rules adopted in accordance with the Administrative Procedure Act.

* * *

Section 2. The provisions of this Act shall apply only to persons who are sentenced on or after August 15, 2011.

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)]

Lopinto HB No. 416

Abstract: Amends timing of parole eligibility of certain offenders.

Present law provides that a person, otherwise eligible for parole, convicted of a first felony offense shall be eligible for parole consideration upon serving one-third of the sentence imposed, and upon conviction of a second felony offense, such person shall be eligible for parole consideration upon serving one-half of the sentence imposed. Present law further provides that a person convicted of a third or subsequent felony offense shall not be eligible for parole.

Present law provides that a person convicted of a crime of violence and not otherwise ineligible for parole shall serve at least 85% of the sentence imposed before being eligible for parole.

Proposed law amends present law as follows, with respect to any offender who has been convicted of a crime of violence, has been convicted of a sex offense, has been sentenced as a habitual offender, or is otherwise ineligible for parole:

(1) Upon a first or second felony conviction, the offender shall be eligible for parole upon serving 25% of the sentence imposed.

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(2) Upon a third felony conviction, the offender shall be eligible for parole upon serving 50% of the sentence imposed.

(3) A person convicted of a fourth or subsequent felony offense shall not be eligible for parole.

Proposed law retains present law with regard to a person convicted of a crime of violence, a person convicted of a sex offense, or a person sentenced as a habitual offender.

Nothing in proposed law shall prevent an offender from reapplying for parole in accordance with present law.

(Amends R.S. 15:574.4(A)(1))

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