

Regular Session, 2011

SENATE BILL NO. 220

BY SENATOR MARTINY

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

PROBATION/PAROLE. Provides for eligibility for parole consideration for certain offenders. (8/15/11)

1 AN ACT

2 To enact R.S. 15:574.4(A)(4), relative to parole eligibility; to provide for eligibility for

3 parole consideration for certain offenders; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 15:574.4(A)(4) is hereby enacted to read as follows:

6 §574.4. Parole; eligibility

7 A. * * *

8 **(4)(a) Notwithstanding any provision of law to the contrary, a person**

9 **committed to the Department of Public Safety and Corrections for a term or**

10 **terms of imprisonment with or without benefit of parole for thirty years or**

11 **more shall be eligible for parole consideration if the following conditions are**

12 **satisfied:**

13 **(i) The person committed has served at least ten years of the term or**

14 **terms of imprisonment in actual custody.**

15 **(ii) The person committed has served at least two years in a minimum**

16 **security facility immediately prior to the time of appearance before the Board**

17 **of Parole.**

- 1 **(iii) The person committed is forty-five years of age or older.**
- 2 **(b) The provisions of Subparagraph (a) of this Paragraph shall not**
- 3 **apply to a person serving a life sentence unless either:**
- 4 **(i) The sentence has been commuted to a fixed term of years.**
- 5 **(ii) The sentence was issued pursuant to provisions of Act 1245 of the**
- 6 **1995 Regular Session of the Legislature.**
- 7 **(c) The provisions of Subparagraph (a) of this Paragraph shall not apply**
- 8 **to any person who has been convicted under the provisions of R.S. 14:64.**

9 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Martiny (SB 220)

Present law provides for parole eligibility for certain offenders.

Proposed law retains present law and makes an exception to present law to provide that a person committed to the Department of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole for 30 years or more shall be eligible for parole consideration if the following conditions are satisfied:

- (1) The person committed has served at least ten years of the term or terms of imprisonment in actual custody.
- (2) The person committed has served at least two years in a minimum security facility immediately prior to the time of appearance before the Board of Parole.
- (3) The person committed is 45 years of age or older.

Proposed law is not applicable to a person serving a life sentence unless the sentence has been commuted to a fixed term of years or the sentence was issued pursuant to provisions of Act 1245 of the 1995 Regular Session of the Legislature (habitual offender law). Any person convicted of armed robbery shall not be eligible for parole consideration as provided for in proposed law.

Effective August 15, 2011.

(Adds R.S. 15:574.4(A)(4))