Regular Session, 2011

HOUSE BILL NO. 138

BY REPRESENTATIVE PATRICIA SMITH

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

CORRECTIONS/PRISONERS: Provides with respect to eligibility for parole consideration for certain elderly inmates

AN ACT

To enact R.S. 15:574.4(A)(4), relative to parole; to provide for eligibility for parole consideration for certain inmates who are at least sixty years of age and have met certain conditions; 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)(4) is hereby enacted to read as follows:

§574.4. Parole; eligibility; consideration and hearings; decisions of board; nature, order, and conditions; rules of conduct; offenders convicted of crimes of violence; infectious disease testing

A.

* * *

(4) Notwithstanding any other provision of law to the contrary, unless eligible for parole at an earlier date, a person committed to the Department of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole who has served at least ten years of the term or terms of imprisonment in actual custody shall be eligible for parole consideration upon reaching the age of sixty years if all of the following conditions are met:

(a) The offender has not been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or convicted of an offense

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which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

(b) The offender has not committed any disciplinary offenses in twelve consecutive months prior to the parole eligibility date.

(c) The offender has completed the mandatory minimum of one hundred hours of prerelease programming in accordance with the provisions of R.S. 15:827.1 if such programming is available at the facility where the offender is incarcerated.

(d) The offender has completed substance abuse treatment as applicable.

(e) The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. If the offender is deemed incapable of obtaining a GED credential, the offender shall complete at least one of the following: a literacy program, an adult basic education program, or a job-skills training program.

(f) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.

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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)]

Patricia Smith HB No. 138

Abstract: Provides for parole consideration for those inmates who have served 10 years in prison, have reached the age of 60 years, and have met certain conditions.

Proposed law provides that any person sentenced to the custody of DPS&C who has served at least 10 years of a term of imprisonment shall be eligible for parole consideration upon reaching the age of 60 if all of the following conditions are met:

(1) The offender has not been convicted of a crime of violence or a sex offense, or an offense which would constitute a crime of violence or a sex offense, regardless of the date of conviction.

(2) The offender has not committed any disciplinary offenses in the 12 consecutive months prior to the parole eligibility date.

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(3) The offender has completed the mandatory minimum of 100 hours of prerelease programming if such programming is available at the facility where the offender is incarcerated.

(4) The offender has completed substance abuse treatment as applicable.

(5) The offender has obtained a GED, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED due to a learning disability. If the offender is deemed incapable of obtaining a GED, the offender must complete at least one of the following: a literacy program, an adult basic education program, or a job-skills training program.

(6) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of DPS&C.

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

Summary of Amendments Adopted by House

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

1. Added provision requiring that prerelease programming must be available at the facility where offender is incarcerated in order to be a requirement of parole eligibility.

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