ENROLLED

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.

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 felony offense shall be eligible for parole consideration upon serving twenty-five percent of the sentence imposed. 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.

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(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.

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

Section 3. The Department Public Safety and Corrections shall measure and document cost savings from the implementation of this Act. The Department of Public Safety and Corrections shall establish a baseline for measurement using the average number of inmates incarcerated at each type of penal or correctional institution as defined in R.S. 15:824 and at local parish jails or institutions in Fiscal Year 2010-2011. The Department of Public Safety and Corrections shall provide information regarding the estimated savings to the legislature. The Louisiana Legislature shall appropriate the savings realized by the provisions of this Act for reimbursements for the costs of incarceration of offenders awaiting probation and parole revocation hearings, for other local corrections programs that reduce recidivism, for expanded treatment programs, and for expanded probation and parole services.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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