

Regular Session, 2012

SENATE BILL NO. 321

BY SENATOR MARTINY

PROBATION/PAROLE. Provides for eligibility for parole consideration. (8/1/12)

1 AN ACT

2 To enact R.S. 15:574.4(A)(5), relative to parole; to provide for eligibility for parole
3 consideration for certain inmates who are at least fifty years of age and have met
4 certain conditions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 §574.4. Parole; eligibility

8 A. * * *

9 **(5) Notwithstanding any provision of law to the contrary, unless eligible**
10 **for parole at an earlier date, a person committed to the Department of Public**
11 **Safety and Corrections for a term or terms of imprisonment with or without**
12 **benefit of parole or a person serving a life sentence ordered pursuant to the**
13 **provisions of R.S. 15:529.1 of Act No. 1245 of the 1995 Regular Session of the**
14 **Legislature that were ameliorated by Section 2 of Act No. 403 of the 2001**
15 **Regular Session of the Legislature, shall be eligible for parole consideration**
16 **upon reaching the age of fifty years old if all of the following conditions are met:**

17 **(a) The offender has not been convicted of a crime of violence as defined**

1 in R.S. 14:2(B); however, for purposes of this Paragraph, a conviction shall not
2 be considered a crime of violence if in fact physical violence was not perpetrated
3 against the victim in the commission of the crime.

4 (b)The offender has served at least fifteen years of imprisonment in
5 actual custody.

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

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

9 (e) The offender has completed anger management treatment as
10 applicable.

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

14 (g) The offender has completed the mandatory minimum of one hundred
15 hours of pre-release programming in accordance with the provisions of R.S.
16 15:827.1, if such programming is available.

17 (h) The offender has obtained a GED credential, unless the offender has
18 previously obtained a high school diploma or is deemed by a certified educator
19 as being incapable of obtaining a GED credential due to a learning disability or
20 because such programming is not available. If the offender is deemed incapable
21 of obtaining a GED credential, the offender shall successfully complete at least
22 one of the following:

23 (i) A literacy program.

24 (ii) An adult basic education program.

25 (iii) A job skills training program.

26 * * *

The original instrument was prepared by Michelle Ducharme. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

Martiny (SB 321)

Present law provides for eligibility for parole consideration for certain offenders.

Proposed law retains present law and makes an exception to present law to provide that notwithstanding any 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 (DPS&C) for a term or terms of imprisonment with or without benefit of parole or a person serving a life sentence ordered pursuant to the habitual offender law enacted by Act No. 1245 of the 1995 Regular Session of the Legislature, shall be eligible for parole consideration upon reaching age 50 if all of the following conditions are met:

1. The offender has not been convicted of a crime of violence as defined in present law; however, for purposes of proposed law, a conviction shall not be considered to be for a crime of violence if in fact physical violence was not perpetrated against the victim in the commission of the crime.
2. The offender has served at least 15 years of imprisonment in actual custody.
3. The offender has not committed any disciplinary offenses in 12 consecutive months prior to the parole eligibility date.
4. The offender has completed substance abuse treatment, as applicable.
5. The offender has completed anger management treatment, as applicable.
6. The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the DPS&C.
7. The offender has completed the mandatory minimum of 100 hours of pre-release programming, if available.
8. The offender has obtained a GED credential, unless the offender has a high school diploma or is deemed by a certified educator as incapable of obtaining a GED due to a learning disability or because such programming is not available. If the offender is deemed incapable of obtaining a GED, the offender must successfully complete either a literacy program, an adult basic education program, or a job skills training program.

Effective August 1, 2012.

(Adds R.S. 15:574.4(A)(5))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Adds that the offender must be sentenced under Act 1245 of the 1995 Regular Session of the Legislature regarding habitual offenders.

2. Changes from 12 to 15 the minimum number of years of imprisonment for consideration.
3. Changes from listing prohibited crimes an offender may be convicted of to requiring that the offender shall not have been convicted of a crime of violence and providing that if in fact physical violence was not perpetrated against the victim in the commission of the crime, the conviction shall not be considered to be a crime of violence.
4. Adds provisions regarding requirement of pre-release programming.
5. Adds provisions regarding requirement of GED credential.