

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

Proposed law would have retained present law and would have made an exception to present law to provide that unless eligible for parole at an earlier date, a person committed to the DPS&C for a term or terms of imprisonment with or without benefit of parole and serving a life sentence ordered pursuant to the habitual offender law enacted by Act 1245 of the 1995 RS, 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 would not have been considered to be for a crime of violence if in fact physical violence was not perpetrated against the victim by the offender 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 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.

Would have become effective August 1, 2012.

(Proposed to add R.S. 15:574.4(A)(5))

VETO MESSAGE: "Senate Bill No. 321 by Senator Martiny would allow certain criminals convicted of crimes of violence to become eligible for parole. Contrary to the author's intent, the language employed in the bill is too ambiguous and could have inadvertent consequences. This language could allow a criminal who committed a violent act, even though they did not physically harm the victim, to become eligible for parole and released from jail.

For this reason, I have vetoed Senate Bill No. 321 and hereby return it to the Senate."