

Regular Session, 2013

ACT No. 239

HOUSE BILL NO. 152

BY REPRESENTATIVES HAZEL AND HONORE AND SENATOR PETERSON

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

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AN ACT

To amend and reenact R.S. 15:574.4(B)(1) and to enact R.S. 15:574.4(E) and Code of Criminal Procedure Article 878.1, relative to juvenile parole eligibility; to provide for parole eligibility for juveniles sentenced to life imprisonment without the possibility of parole for certain homicide offenses; to provide for conditions; to provide for a special sentencing hearing for juvenile offenders convicted of certain homicide offenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4(B)(1) is hereby amended and reenacted and R.S. 15:574.4(E) is hereby enacted to read as follows:

§574.4. Parole; eligibility

* * *

B.(1) No person shall be eligible for parole consideration who has been convicted of armed robbery and denied parole eligibility under the provisions of R.S. 14:64. Except as provided in Paragraph (2) of this Subsection, and except as provided in ~~Subsection~~ Subsections D and E of this Section, no prisoner serving a life sentence shall be eligible for parole consideration until his life sentence has been commuted to a fixed term of years. No prisoner sentenced as a serial sexual offender shall be eligible for parole. No prisoner may be paroled while there is pending against him any indictment or information for any crime suspected of having been committed by him while a prisoner. Notwithstanding any other provisions of law to the contrary, a person convicted of a crime of violence and not otherwise ineligible

1 for parole shall serve at least eighty-five percent of the sentence imposed, before
 2 being eligible for parole. The victim or victim's family shall be notified whenever
 3 the offender is to be released provided that the victim or victim's family has
 4 completed a Louisiana victim notice and registration form as provided in R.S.
 5 46:1841 et seq., or has otherwise provided contact information and has indicated to
 6 the Department of Public Safety and Corrections, Crime Victims Services Bureau,
 7 that they desire such notification.

8 * * *

9 E.(1) Notwithstanding any provision of law to the contrary, any person
 10 serving a sentence of life imprisonment for a conviction of first degree murder (R.S.
 11 14:30) or second degree murder (R.S. 14:30.1) who was under the age of eighteen
 12 years at the time of the commission of the offense shall be eligible for parole
 13 consideration pursuant to the provisions of this Subsection if a judicial determination
 14 has been made that the person is entitled to parole eligibility pursuant to Code of
 15 Criminal Procedure Article 878.1 and all of the following conditions have been met:

16 (a) The offender has served thirty-five years of the sentence imposed.

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

19 (c) The offender has completed the mandatory minimum of one hundred
 20 hours of prerelease programming in accordance with R.S. 15:827.1.

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

22 (e) The offender has obtained a GED certification, unless the offender has
 23 previously obtained a high school diploma or is deemed by a certified educator as
 24 being incapable of obtaining a GED certification due to a learning disability. If the
 25 offender is deemed incapable of obtaining a GED certification, the offender shall
 26 complete at least one of the following:

27 (i) A literacy program.

28 (ii) An adult basic education program.

29 (iii) A job skills training program.

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

4 (g) The offender has completed a reentry program to be determined by the
 5 Department of Public Safety and Corrections.

6 (2) For each offender eligible for parole consideration pursuant to the
 7 provisions of this Subsection, the board shall meet in a three-member panel, and each
 8 member of the panel shall be provided with and shall consider a written evaluation
 9 of the offender by a person who has expertise in adolescent brain development and
 10 behavior and any other relevant evidence pertaining to the offender.

11 (3) The panel shall render specific findings of fact in support of its decision.

12 Section 2. Code of Criminal Procedure Article 878.1 is hereby enacted to read as
 13 follows:

14 §878.1. Sentencing hearing for juvenile offenders

15 A. In any case where an offender is to be sentenced to life imprisonment for
 16 a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S.
 17 14:30.1) where the offender was under the age of eighteen years at the time of the
 18 commission of the offense, a hearing shall be conducted prior to sentencing to
 19 determine whether the sentence shall be imposed with or without parole eligibility
 20 pursuant to the provisions of R.S. 15:574.4(E).

21 B. At the hearing, the prosecution and defense shall be allowed to introduce
 22 any aggravating and mitigating evidence that is relevant to the charged offense or the
 23 character of the offender, including but not limited to the facts and circumstances of
 24 the crime, the criminal history of the offender, the offender's level of family support,
 25 social history, and such other factors as the court may deem relevant. Sentences

1 imposed without parole eligibility should normally be reserved for the worst
2 offenders and the worst cases.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____