

Regular Session, 2014

HOUSE BILL NO. 682

BY REPRESENTATIVE KATRINA JACKSON

CRIMINAL/SENTENCING: Provides relative to parole for persons convicted of certain crimes of violence and provides for the creation and administration of the Programs to Reduce Recidivism Fund

1

AN ACT

2 To amend and reenact R.S. 15:574.2(C)(2), 574.4(B)(1), and 827.1(E)(3)(b) and to enact
3 R.S. 15:824.2, relative to parole; to provide relative to parole eligibility for persons
4 convicted of certain crimes of violence; to provide for prospective application; to
5 change the number of votes required to grant parole for certain offenders who meet
6 certain conditions; to provide relative to the eligibility to participate in reentry
7 preparation programs; to create the Programs to Reduce Recidivism Fund; to provide
8 for the purposes of the fund; to provide for the appropriation of monies into the fund;
9 to provide for the administration of the fund; to provide for the distribution of
10 monies from the fund; to provide relative to the calculation of savings realized by the
11 Department of Public Safety and Corrections; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 15:574.2(C)(2) and 827.1(E)(3)(b) are hereby amended and
14 reenacted to read as follows:

15 §574.2. Committee on parole, Board of Pardons; membership; qualifications;
16 vacancies; compensation; domicile; venue; meetings; quorum; panels;
17 powers and duties; transfer of property to committee; representation of
18 applicants before the committee; prohibitions

19 * * *

1 C.

2 * * *

3 (2) The committee may grant parole with two votes of a three-member panel,
4 or, if the number exceeds a three-member panel, a majority vote of those present if
5 all of the following conditions are met:

6 (a) The offender has not been convicted of ~~a crime of violence as defined in~~
7 R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or convicted of ~~or~~ an offense
8 which would constitute a ~~crime of violence as defined in R.S. 14:2(B)~~ or a sex
9 offense as defined in R.S. 15:541, regardless of the date of conviction.

10 (b) The offender has not been convicted of any of the following crimes of
11 violence: first degree murder, second degree murder, aggravated rape, forcible rape,
12 simple rape, sexual battery, second degree sexual battery, intentional exposure to
13 AIDS virus, aggravated kidnapping, second degree kidnapping, aggravated arson,
14 armed robbery, carjacking, armed robbery use of firearm additional penalty, second
15 degree robbery, aggravated burglary, disarming a peace officer, trafficking of
16 children for sexual purposes, human trafficking, and home invasion.

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

19 (e)(d) The offender has completed the mandatory minimum of one hundred
20 hours of pre-release programming in accordance with R.S. 15:827.1.

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

22 (e)(f) The offender has obtained a GED credential, 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 credential due to a learning disability. If the
25 offender is deemed incapable of obtaining a GED credential, the offender must
26 complete at least one of the following: a literacy program, an adult basic education
27 program, or a job skills training program.

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

4 * * *

5 §827.1. Reentry preparation program; establishment

6 * * *

7 E.

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11 * * *

(b) A crime Any of the following crimes of violence as defined in R.S. 14:2(B): first degree murder, second degree murder, aggravated rape, forcible rape, simple rape, sexual battery, second degree sexual battery, intentional exposure to AIDS virus, aggravated kidnapping, second degree kidnapping, aggravated arson, armed robbery, carjacking, armed robbery use of firearm additional penalty, second degree robbery, aggravated burglary, disarming a peace officer, trafficking of children for sexual purposes, human trafficking, and home invasion.

19 * * *

20 Section 2. R.S. 15:574.4(B)(1) is hereby amended and reenacted to read as follows:

21 §574.4. Parole; eligibility

22 * * *

23 B.(1) No person shall be eligible for parole consideration who has been
24 convicted of armed robbery and denied parole eligibility under the provisions of R.S.
25 14:64. Except as provided in Paragraph (2) of this Subsection, and except as
26 provided in Subsections D and E of this Section, no prisoner serving a life sentence
27 shall be eligible for parole consideration until his life sentence has been commuted
28 to a fixed term of years. No prisoner sentenced as a serial sexual offender shall be
29 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 for parole shall
serve at least ~~eighty-five~~ seventy-five percent of the sentence imposed, before being
eligible for parole. The victim or victim's family shall be notified whenever the
offender is to be released provided that the victim or victim's family has completed
a Louisiana victim notice and registration form as provided in R.S. 46:1841 et seq.,
or has otherwise provided contact information and has indicated to the Department
of Public Safety and Corrections, Crime Victims Services Bureau, that they desire
such notification.

11 * * *

12 Section 3. R.S. 15:824.2 is hereby enacted to read as follows:

§824.2. Programs to Reduce Recidivism Fund

14 A. The Programs to Reduce Recidivism Fund, hereinafter referred to as the
15 "fund", is hereby created in the state treasury. Interest earned on the investment of
16 monies in the fund shall be deposited in and credited to the fund. Unexpended and
17 unencumbered monies in the fund at the close of each fiscal year shall remain in the
18 fund. Monies in the fund shall be appropriated, administered, and used solely and
19 exclusively for the purposes set forth in this Section.

20 B. The fund shall be comprised of all monies appropriated, donated, or
21 otherwise made available to provide funding for the purposes set forth in the
22 provisions of this Section. Any funds realized from a reduction in the amount of
23 time a person convicted of a crime of violence is required to serve prior to being
24 eligible for parole consideration as provided for in R.S. 15:574.4(B) shall also be
25 appropriated to the fund. All of such monies required to be deposited in the state
26 treasury in accordance with Article VII, Section 9(A) of the Constitution of
27 Louisiana shall be deposited in the fund after first meeting the requirements of
28 Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond
29 Security and Redemption Fund.

1 C. Monies in the fund shall be appropriated and used to assist in establishing
2 and to reimburse operations costs of local corrections rehabilitative programs that
3 provide inmates housed in local facilities with fundamental resources in the areas of
4 employment, life skills training, and job placement and that provide the inmates with
5 access to as many support services as possible in order to appreciably increase the
6 likelihood of successful reentry into society and to reduce recidivism.

7 D. The fund shall be administered by the Louisiana Commission on Law
8 Enforcement and the Administration of Criminal Justice. Monies in the fund shall
9 be distributed to local prison facilities through a grant program established by the
10 commission. The commission shall allocate from the fund such monies as are
11 necessary in administering the grant program. The commission shall promulgate
12 such rules, regulations, and procedures as are necessary in administering the
13 provisions of this Section.

14 Section 4. The provisions of Section 2 of this Act shall have prospective application
15 only and shall only apply to persons convicted on or after the effective date of this Act.

16 Section 5. The Department of Public Safety and Corrections shall measure and
17 document cost savings from the implementation of this Act. The Department of Public
18 Safety and Corrections shall establish a baseline for measurement using the average number
19 of inmates incarcerated at each type of penal or correctional institution as defined in R.S.
20 15:824 and at local parish jails or institutions in Fiscal Year 2013-2014. The Department
21 of Public Safety and Corrections shall provide information regarding the estimated savings
22 to the legislature. The Louisiana Legislature shall appropriate the savings realized by the
23 provisions of this Act to be deposited in the fund created by, and for the purposes set forth
24 in, R.S. 15:824.2 enacted in Section 3 of this Act.

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)]

Katrina Jackson

HB No. 682

Abstract: Provides relative to parole for persons convicted of certain crimes of violence, creates the Programs to Reduce Recidivism Fund, and provides for the administration of, distribution from, and appropriation of monies into the fund.

Present law provides for parole eligibility for offenders convicted of a crime of violence upon serving 85% of the sentence imposed.

Proposed law amends present law to provide parole eligibility for these offenders upon serving 75% of the sentence imposed. Provides for prospective application of this provision of proposed law.

Present law provides that a unanimous vote of the committee on parole is required to grant parole for any person convicted of a crime of violence.

Present law provides that the committee on parole may grant parole with a majority vote for non-violent, non-sex offenders when certain conditions are met.

Proposed law amends present law to authorize the granting of parole by majority vote for persons convicted of certain crimes of violence who meet the conditions set forth in present law including completion of at least 100 hours of a reentry preparation program as provided by present law.

Proposed law amends present law to authorize persons convicted of the following crimes of violence to be eligible to participate in the program and thus be eligible for the granting of parole by majority vote: solicitation for murder, manslaughter, aggravated battery, second degree battery, aggravated assault, mingling harmful substances, simple kidnapping, aggravated criminal damage to property, first degree robbery, simple robbery, purse snatching, extortion, assault by drive-by-shooting, illegal use of weapons or dangerous instrumentalities, terrorism, aggravated second degree battery, aggravated assault upon a peace officer with a firearm, aggravated assault with a firearm, stalking, second degree cruelty to juveniles, aggravated flight from an officer, and battery of a police officer.

Proposed law creates the Programs to Reduce Recidivism Fund which shall be administered by the La. Commission on Law Enforcement and the Administration of Criminal Justice to establish a grant program which shall distribute funds to local prison facilities to assist in establishing and to reimburse operations costs of local corrections rehabilitative programs that provide inmates with fundamental resources in the areas of employment, life skills training, and job placement and that provide the inmates with access to as many support services as possible in order to appreciably increase the likelihood of successful reentry into free society and to reduce recidivism.

Proposed law provides that any savings realized from the proposed law reduction in the amount of time a person convicted of a crime of violence is required to serve prior to being eligible for parole consideration shall be appropriated into the fund.

(Amends R.S. 15:574.2(C)(2), 574.4(B)(1), and 827.1(E)(3)(b); Adds R.S. 15:824.2)