

Regular Session, 2014

SENATE BILL NO. 383

BY SENATORS LAFLEUR AND MILLS

PROBATION/PAROLE. Provides with respect to parole eligibility. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 15:574.4(A)(1)(b)(ii), relative to parole eligibility; to provide  
3 relative to eligibility based upon years between offenses; and to provide for related  
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:574.4(A)(1)(b)(ii) is hereby amended and reenacted to read as  
7 follows:

8 §574.4. Parole; eligibility

9 A.(1) \* \* \*

10 (b) \* \* \*

11 (ii) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, a  
12 person, otherwise eligible for parole, convicted of a second felony offense shall be  
13 eligible for parole consideration upon serving thirty-three and one-third percent of  
14 the sentence imposed. The current offense shall not be counted as a second or  
15 subsequent offense if more than ten years have lapsed between the date of the  
16 commission of the current offense or offenses and the expiration of the person's  
17 maximum sentence or sentences of the previous conviction or convictions, or

between the expiration of his maximum sentence or sentences of each preceding conviction and the date of the commission of the following offense or offenses.

In computing the intervals of time, any period of parole, probation, or incarceration by a person in a penal institution, within or without the state shall not be included in the computation of any of the ten-year periods between the expiration of the person's maximum sentence or sentences and the next succeeding offense or offenses. The provisions of this Item 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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The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Mary Dozier O'Brien.

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#### DIGEST

LaFleur (SB 383)

Present law provides that a person, otherwise eligible for parole, convicted of a second felony offense will be eligible for parole consideration upon serving 33 & 1/3% of the sentence imposed. The provisions of present law do not apply to any person who has been convicted of a crime of violence as defined in present law, has been convicted of a sex offense, has been sentenced as a habitual offender, or is otherwise ineligible for parole.

Proposed law retains present law but provides an exception to an offense being considered a second or subsequent offense if more than ten years have lapsed between the date of the commission of the current offense or offenses and the expiration of the person's maximum sentence or sentences of the previous conviction or convictions, or between the expiration of his maximum sentence or sentences of each preceding conviction and the date of the commission of the following offense or offenses.

Proposed law provides that for purposes of computing the intervals of time, any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, will not be included in the computation of any of the ten-year periods between the expiration of the person's maximum sentence or sentences and the next succeeding offense or offenses.

Effective August 1, 2014.

(Amends R.S. 15:574.4(A)(1)(b)(ii))

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to reengrossed bill

1. Technical; clarifies that the maximum sentence is that of the offender.