

Regular Session, 2014

HOUSE BILL NO. 1255 (Substitute for House Bill No. 682 by Representative Jackson)

BY REPRESENTATIVES KATRINA JACKSON, BADON, BURRELL, HONORE, AND
NORTON

1 AN ACT

2 To amend and reenact R.S. 15:574.2(C)(2)(a) and 574.4(B)(1), to enact R.S. 15:824.2, and
3 to repeal R.S. 15:827.1(E)(3)(b), relative to parole; to provide relative to parole
4 eligibility for persons convicted of crimes of violence; to change the number of votes
5 required to grant parole for offenders convicted of a crime of violence 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)(a) and 574.4(B)(1) 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 * * *

20 C.

21 * * *

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

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

5 * * *

6 §574.4. Parole; eligibility

7 * * *

8 B.(1) No person shall be eligible for parole consideration who has been
 9 convicted of armed robbery and denied parole eligibility under the provisions of R.S.
 10 14:64. Except as provided in Paragraph (2) of this Subsection, and except as
 11 provided in Subsections D and E of this Section, no prisoner serving a life sentence
 12 shall be eligible for parole consideration until his life sentence has been commuted
 13 to a fixed term of years. No prisoner sentenced as a serial sexual offender shall be
 14 eligible for parole. No prisoner may be paroled while there is pending against him
 15 any indictment or information for any crime suspected of having been committed by
 16 him while a prisoner. Notwithstanding any other provisions of law to the contrary,
 17 a person convicted of a crime of violence and not otherwise ineligible for parole shall
 18 serve at least ~~eighty-five~~ seventy-five percent of the sentence imposed, before being
 19 eligible for parole. The victim or victim's family shall be notified whenever the
 20 offender is to be released provided that the victim or victim's family has completed
 21 a Louisiana victim notice and registration form as provided in R.S. 46:1841 et seq.,
 22 or has otherwise provided contact information and has indicated to the Department
 23 of Public Safety and Corrections, Crime Victims Services Bureau, that they desire
 24 such notification.

25 * * *

26 Section 2. R.S. 15:824.2 is hereby enacted to read as follows:

27 §824.2. Programs to Reduce Recidivism Fund

28 A. The Programs to Reduce Recidivism Fund, hereinafter referred to as the
 29 "fund", is hereby created in the state treasury. Interest earned on the investment of
 30 monies in the fund shall be deposited in and credited to the fund. Unexpended and

1 unencumbered monies in the fund at the close of each fiscal year shall remain in the
2 fund. Monies in the fund shall be appropriated, administered, and used solely and
3 exclusively for the purposes provided by this Section.

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

14 C. Monies in the fund shall be appropriated and used for the following
15 purposes:

16 (1) To defray the operational expenses of probation and parole and reentry
17 initiatives.

18 (2) To assist in establishing and reimbursing the operational expenses of
19 local corrections rehabilitative programs that do the following:

20 (a) Provide inmates housed in local facilities with fundamental resources in
21 the areas of employment, life skills training, and job placement.

22 (b) Provide the inmates with access to as many support services as possible
23 to appreciably increase the likelihood of successful reentry into society and to reduce
24 recidivism.

25 D. The fund shall be administered by the Louisiana Commission on Law
26 Enforcement and the Administration of Criminal Justice and the Department of
27 Public Safety and Corrections, hereinafter referred to as "the administrators".
28 Monies in the fund shall be distributed to probation and parole, reentry initiatives,
29 and local prison facilities through a grant program established by the administrators.
30 The administrators shall allocate funds as necessary for the purposes provided in

1 Subsection C of this Section. The administrators shall promulgate such rules,
2 regulations, and procedures as are necessary in administering the provisions of this
3 Section.

4 Section 3. R.S. 15:827.1(E)(3)(b) is hereby repealed in its entirety.

5 Section 4. The provisions of Sections 1 and 3 of this Act shall have prospective
6 application only and shall apply only to persons convicted on or after the effective date of
7 this Act.

8 Section 5. The Department of Public Safety and Corrections shall measure and
9 document cost savings from the implementation of this Act. The Department of Public
10 Safety and Corrections shall establish a baseline for measurement using the average number
11 of inmates incarcerated at each type of penal or correctional institution as defined in R.S.
12 15:824 and at local parish jails or institutions in Fiscal Year 2013-2014. The Department
13 of Public Safety and Corrections shall provide information regarding the estimated savings
14 to the legislature. The Louisiana Legislature shall appropriate the savings realized by the
15 provisions of this Act to be deposited in the fund created by, and for the purposes set forth
16 in, R.S. 15:824.2 enacted in Section 2 of this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____