

2016 Regular Session

HOUSE BILL NO. 90

BY REPRESENTATIVE HALL

CRIMINAL/SENTENCING: Amends parole eligibility provisions for certain crimes of violence

1 AN ACT

2 To amend and reenact R.S. 15:574.4(B)(1), relative to parole eligibility; to amend provisions
3 of law regarding parole eligibility for certain crimes of violence; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

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

7 §574.4. Parole; eligibility

8 * * *

9 B.(1)(a) No person shall be eligible for parole consideration who has been
10 convicted of armed robbery and denied parole eligibility under the provisions of R.S.
11 14:64. Except as provided in Paragraph (2) of this Subsection, and except as
12 provided in Subsections D and E of this Section, no prisoner serving a life sentence
13 shall be eligible for parole consideration until his life sentence has been commuted
14 to a fixed term of years. No prisoner sentenced as a serial sexual offender shall be
15 eligible for parole. No prisoner may be paroled while there is pending against him
16 any indictment or information for any crime suspected of having been committed by
17 him while a prisoner.

18 (b) Notwithstanding any other provisions of law to the contrary, a person
19 convicted of ~~a crime of violence~~ one of the following enumerated crimes of violence
20 in this Subparagraph and not otherwise ineligible for parole shall serve at least

1 eighty-five percent of the sentence imposed, before being eligible for parole: first
2 degree murder, second degree murder, first degree rape, second degree rape, third
3 degree rape, sexual battery, second degree sexual battery, intentional exposure to
4 AIDS virus, aggravated kidnapping, second degree kidnapping, aggravated arson,
5 armed robbery, carjacking, armed robbery with the use of a firearm (additional
6 penalty), second degree robbery, disarming a peace officer, trafficking of children
7 for sexual purposes, human trafficking, and home invasion.

8 (c) Notwithstanding any other provisions of law to the contrary, a person
9 convicted of a crime of violence as defined in R.S. 14:2(B) which is not enumerated
10 in Subparagraph (b) of this Paragraph and not otherwise ineligible for parole shall
11 serve at least seventy-five percent of the sentence imposed before being eligible for
12 parole.

13 (d) The victim or victim's family shall be notified whenever the offender is
14 to be released provided that the victim or victim's family has completed a Louisiana
15 victim notice and registration form as provided in R.S. 46:1841 et seq., or has
16 otherwise provided contact information and has indicated to the Department of
17 Public Safety and Corrections, Crime Victims Services Bureau, that they desire such
18 notification.

19 * * *

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)]

HB 90 Original 2016 Regular Session Hall

Abstract: Amends parole eligibility provisions for certain crimes of violence, requiring certain violent offenders to serve 85% of their sentences and others to serve 75%.

Present law provides for the following listing of crimes designated as crimes of violence: solicitation for murder, first degree murder, second degree murder, manslaughter, aggravated battery, second degree battery, aggravated assault, mingling harmful substances, first degree rape, second degree rape, third degree rape, sexual battery, second degree sexual battery, intentional exposure to AIDS virus, aggravated kidnapping, second degree kidnapping, simple kidnapping, aggravated arson, aggravated criminal damage to property, aggravated burglary, armed robbery, first degree robbery, simple robbery, purse snatching, extortion, assault by drive-by shooting, aggravated crime against nature, carjacking, illegal use of

weapons or dangerous instrumentalities, aggravated second degree battery, aggravated assault upon a peace officer with a firearm, aggravated assault with a firearm, armed robbery with the use of a firearm, second degree robbery, disarming of a peace officer, stalking, second degree cruelty to juveniles, aggravated flight from an officer, terrorism, battery of a police officer, aggravated incest, trafficking of children for sexual purposes, human trafficking, home invasion, domestic abuse aggravated assault, and vehicular homicide when the operator's BAC exceeds .20%.

Present law provides that a person convicted of a crime of violence and not otherwise ineligible for parole shall serve at least 85% of the sentence imposed before being eligible for parole.

Proposed law retains that provision of present law with respect to first degree murder, second degree murder, first degree rape, second degree rape, third degree rape, sexual battery, second degree sexual battery, intentional exposure to AIDS virus, aggravated kidnapping, second degree kidnapping, aggravated arson, armed robbery, carjacking, armed robbery with the use of a firearm, second degree robbery, disarming a peace officer, trafficking of children for sexual purposes, human trafficking, and home invasion.

Proposed law provides that a person convicted of all other crimes of violence and not otherwise ineligible for parole shall serve at least 75% of the sentence imposed before being eligible for parole.

(Amends 15:574.4(B)(1))