

2016 Regular Session

HOUSE BILL NO. 99

BY REPRESENTATIVE SMITH

PARDON/PAROLE: Amends the earning rate for diminution of sentence and length of sentence which must be served before being eligible for parole

1 AN ACT

2 To amend and reenact R.S. 15:571.3(A)(1) and (B)(2) and 574.4(B)(1), relative to criminal
3 sentences of certain offenders; to provide for the earning rate of diminution of
4 sentence for an inmate convicted of a crime of violence; to reduce the length of
5 sentence a person convicted of a crime of violence must serve before being eligible
6 for parole; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:571.3(A)(1) and (B)(2) and 574.4(B)(1) are hereby amended and
9 reenacted to read as follows:

10 §571.3. Diminution of sentence for good behavior

11 A.(1) Every prisoner in a parish prison convicted of an offense and sentenced
12 to imprisonment without hard labor, except a prisoner convicted a second time of a
13 crime of violence as defined by R.S. 14:2(B), may earn a diminution of sentence, to
14 be known as "good time", by good behavior and performance of work or self-
15 improvement activities, or both. The amount of diminution of sentence allowed
16 under this Paragraph shall be at the rate of thirty days for every thirty days in actual
17 custody, except for a prisoner convicted a first time of a crime of violence, as defined
18 in R.S. 14:2(B), who shall earn diminution of sentence at the rate of ~~three~~ ten days
19 for every ~~seventeen~~ thirty days in actual custody held on the imposed sentence,
20 including, in either case, time spent in custody with good behavior prior to

1 sentencing for the particular sentence imposed as authorized by Code of Criminal
2 Procedure Article 880.

3 * * *

4 B.

5 * * *

6 (2) An inmate convicted a first time of a crime of violence as defined in R.S.
7 14:2(B), shall earn diminution of sentence at a rate of ~~three~~ ten days for every
8 ~~seventeen~~ thirty days in actual custody held on the imposed sentence, including time
9 spent in custody with good behavior prior to sentencing for the particular sentence
10 imposed as authorized by Code of Criminal Procedure Article 880.

11 * * *

12 §574.4. Parole; eligibility; consideration and hearings; decisions of board; nature,
13 order, and conditions; rules of conduct; offenders convicted of crimes of
14 violence; infectious disease testing

15 * * *

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

1 or has otherwise provided contact information and has indicated to the Department
2 of Public Safety and Corrections, Crime Victims Services Bureau, that they desire
3 such notification.

4 * *

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 99 Original 2016 Regular Session Smith

Abstract: Changes the earning rate of good time for those convicted of a crime of violence and changes parole eligibility for such offenders.

Present law provides for diminution of sentence or the earning of "good time" for certain offenders.

Present law provides that the rate of diminution of sentence allowed for a prisoner convicted a first time of a crime of violence is three days for every 17 days in actual custody.

Proposed law changes the rate to 10 days for every 30 days in actual custody.

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 changes this rate to 75%.

(Amends R.S. 15:571.3(A)(1) and (B)(2) and 574.4(B)(1))