

2016 Regular Session

HOUSE BILL NO. 554

BY REPRESENTATIVE MARCELLE

JUVENILE PROCEDURE: Provides with respect to sentencing of juvenile offenders sentenced to life imprisonment for certain offenses

1 AN ACT

2 To amend and reenact R.S. 15:574.4(E)(1)(introductory paragraph) and to enact R.S.
3 15:574.4(E)(4), relative to parole eligibility; to provide for parole eligibility for
4 juveniles sentenced to life imprisonment without the possibility of parole for certain
5 homicide offenses; to provide for retroactive application; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:574.4(E)(1)(introductory paragraph) is hereby amended and
9 reenacted and R.S. 15:574.4(E)(4) is hereby enacted to read as follows:

10 §574.4. Parole; eligibility

11 * * *

12 E.(1) Notwithstanding any provision of law to the contrary, any person
13 serving a sentence of life imprisonment for a conviction of first degree murder (R.S.
14 14:30) or second degree murder (R.S. 14:30.1) who was under the age of eighteen
15 years at the time of the commission of the offense shall be eligible for parole
16 consideration pursuant to the provisions of this Subsection if ~~a judicial determination~~
17 ~~has been made that the person is entitled to parole eligibility pursuant to Code of~~
18 ~~Criminal Procedure Article 878.1~~ and all of the following conditions have been met:

19 * * *

- 1 (4) The provisions of this Subsection shall apply retroactively and
2 prospectively to all offenders included in this Subsection, regardless of the date of
3 the offense or conviction.
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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 554 Original

2016 Regular Session

Marcelle

Abstract: Provides for sentencing of certain juveniles sentenced to life in prison.

Present law provides that any person serving a sentence of life imprisonment for a conviction of first degree murder or second degree murder who was under the age of 18 at the time of the commission of the offense shall be eligible for parole consideration if a judicial determination has been made that the person is entitled to parole eligibility and all of the following conditions have been met:

- (1) The offender has served 35 years of the sentence imposed.
- (2) The offender has not committed any disciplinary offenses in the 12 consecutive months prior to the parole eligibility date.
- (3) The offender has completed a minimum of 100 hours of prerelease programming.
- (4) The offender has completed substance abuse treatment as applicable.
- (5) The offender has obtained a GED or, in certain circumstances, has completed a literacy program, an adult basic education program, or a job skills training program.
- (6) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of Dept. of Public Safety and Corrections.
- (7) The offender has completed a reentry program to be determined by DPS&C.

Present law further provides that for such parole decisions, the board shall meet in a three-member panel and each member of the panel shall consider certain types of evidence. Present law requires the panel to render specific findings of fact in support of its decision.

Present law requires a sentencing hearing to be held to determine whether the sentence shall be imposed with or without parole eligibility in accordance with present law. Provides that sentences imposed without parole eligibility should normally be reserved for the worst offenders and the worst cases. Provides for the introduction of aggravating and mitigating evidence at the hearing.

Proposed law retains present law except it removes the requirement that the hearing occur to establish parole eligibility. Provides that proposed law shall apply regardless of the date of the offense or conviction.

(Amends R.S. 15:574.4(E)(1)(intro. para.); Adds R.S. 15:574.4(E)(4))