

2016 Regular Session

SENATE BILL NO. 424

BY SENATOR MARTINY

PROBATION/PAROLE. Provides relative to parole eligibility and parole consideration for first time offenders. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 15:574.4(A)(2), the introductory paragraph of R.S.
3 15:574.4(A)(4) and 574.4(A)(4)(a), (B)(1), the introductory paragraph of R.S.
4 15:574.4(B)(2) and 574.4 (B)(2)(a)(i), (D)(1)(a), and (E)(1)(a), relative to parole
5 eligibility; to provide for parole eligibility for certain offenders convicted for a first
6 time of a crime of violence; to provide for parole eligibility for certain offenders
7 convicted for a second time of a crime of violence; to provide for exclusions; to
8 provide for terms; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:574.4(A)(2), the introductory paragraph of R.S. 15:574.4(A)(4)
11 and 574.4(A)(4)(a), (B)(1), the introductory paragraph of R.S. 15:574.4(B)(2) and
12 574.4(B)(2)(a)(i), (D)(1)(a), and (E)(1)(a) are hereby amended and reenacted to read as
13 follows:

14 §574.4. Parole; eligibility

15 A.(1)(a) * * *
16 * * *

17 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection or any

1 other law to the contrary, unless eligible for parole at an earlier date, a person
 2 committed to the Department of Public Safety and Corrections servicing a life
 3 sentence or for a term or terms of imprisonment with or without benefit of parole
 4 for thirty years or more shall be eligible for parole consideration upon serving at
 5 least twenty years of the term or terms of imprisonment in actual custody and upon
 6 reaching the age of forty-five. This provision shall not apply to a person serving a
 7 life sentence as a serial sexual offender or offender with a sentence of death
 8 ~~unless the sentence has been commuted to a fixed term of years. The provisions of~~
 9 ~~this Paragraph shall not apply to any person who has been convicted under the~~
 10 ~~provisions of R.S. 14:64.~~ The provisions of this Paragraph shall ~~not~~ apply to any
 11 person who is convicted a first time ~~has been convicted~~ of a crime of violence as
 12 defined in R.S. 14:2(B) or is convicted a second time of a crime of violence if
 13 their first conviction was not a crime of violence or a sex offense as defined in
 14 R.S. 15:541.

* * *

16 (4) Notwithstanding any other provision of law to the contrary, unless eligible
 17 for parole at an earlier date, a person committed to the Department of Public Safety
 18 and Corrections servicing a life sentence or for a term or terms of imprisonment with
 19 or without benefit of parole who has served at least ten years of the term or terms of
 20 imprisonment in actual custody shall be eligible for parole consideration upon
 21 reaching the age of sixty years if all of the following conditions are met:

22 (a) The offender has ~~not~~ been convicted a first time of a crime of violence
 23 as defined in R.S. 14:2(B) or is convicted a second time of a crime of violence if
 24 their first conviction was not a crime of violence as defined in R.S. 14:2(B) or
 25 a sex offense as defined in R.S. 15:541, or convicted of an offense which would
 26 constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined
 27 in R.S. 15:541, regardless of the date of conviction.

* * *

29 B.(1) ~~No person shall be eligible for parole consideration who has been~~

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

18 (2) Notwithstanding any provision of law to the contrary, any person serving
19 a life sentence, with or without the benefit of parole, ~~who has not been convicted of~~
20 ~~a crime of violence as defined by R.S. 14:2(B)~~ who is convicted a first time of a
21 crime of violence as defined in R.S. 14:2(B) or is convicted a second time of a
22 crime of violence if their first conviction was not a crime of violence as defined
23 in R.S. 14:2(B), a sex offense as defined by R.S. 15:541, or an offense, regardless
24 of the date of conviction, which would constitute a crime of violence as defined by
25 R.S. 14:2(B) or a sex offense as defined by R.S. 15:541, shall be eligible for parole
26 consideration as follows:

27 (a) If the person was at least eighteen years of age and under the age of
28 twenty-five years at the time he was sentenced to life imprisonment, he shall be
29 eligible for parole consideration if all of the following conditions have been met:

1 (i) The person has served at least ~~twenty-five~~ years of the sentence imposed.

2 * * *

3 D.(1) Notwithstanding any provision of law to the contrary, any person
4 serving a sentence of life imprisonment who was under the age of eighteen years at
5 the time of the commission of the offense, except for a person serving a life sentence
6 for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S.
7 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this
8 Subsection if all of the following conditions have been met:

9 (a) The offender has served ~~thirty~~ **twenty** years of the sentence imposed.

10 * * *

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

18 (a) The offender has served ~~thirty-five~~ **twenty-five** years of the sentence
19 imposed.

20 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Ashley Menou.

DIGEST

SB 424 Original 2016 Regular Session Martiny

Present law provides for parole eligibility for a person committed to DPSC for a term or terms of imprisonment with or without benefit of parole for 30 years or more to be eligible for parole consideration upon serving at least 25 years of the term in actual custody when they reach age 45.

Present law further provides that such parole consideration will not be given to a person:

- (1) Serving a life sentence unless the sentence has been commuted to a fixed term of years.
- (2) Convicted of armed robbery.

- (3) Convicted of a crime of violence.
- (4) Convicted of a sex offense.

Proposed law retains present law, and adds that persons serving a life sentence as a serial sex offender or persons with a life sentence are also excluded from parole consideration after serving 25 years in actual custody of a 30 or more year sentence upon reaching age 45.

Proposed law provides parole eligibility after serving 25 years upon reaching age 45 if persons who were convicted for the first time of a crime of violence or convicted for a second time of a crime of violence if the person's first conviction was not a crime of violence.

Present law provides for parole eligibility for a person committed to DPSC for a term or terms of imprisonment with or without benefit of parole who has served at least 10 years in actual custody shall be eligible for parole if conditions are met and the offender was not convicted of:

- (1) A crime of violence.
- (2) A sex offense.
- (3) An offense which would constitute a crime of violence.
- (4) An offense which would constitute a sex offense.

Proposed law retains present law and adds, as condition of parole eligibility, that the offender has been convicted for the first time of a crime of violence or convicted for a second time of a crime of violence if the person's first conviction was not a crime of violence.

Present law provides that no person shall be eligible for parole consideration who has been convicted of armed robbery and denied parole eligibility and no prisoner serving a life sentence shall be eligible for parole consideration until his life sentence has been commuted to a fixed term of years.

Proposed law deletes present law.

Present law provides that no person sentenced as a serial sexual offender shall be eligible for parole and a person convicted of a crime of violence must serve at least 85% of their sentence before being eligible for parole.

Proposed law adds that a person sentenced to death shall be ineligible for parole.

Proposed law provides that a person convicted of a crime of violence and sentenced to a term or terms of years shall be eligible for parole.

Present law provides parole eligibility to a person convicted of a crime of violence or sex offense if the person was at least 18 and under 21 at the time he was sentenced to life imprisonment and has served at least 25 years of the sentence.

Proposed law provides parole eligibility to a person serving a life sentence, a person whose first conviction was a crime of violence, or a person whose second conviction was a crime of violence if their first conviction was not a crime of violence.

Proposed law decreases the amount of time that person must serve for parole eligibility from 25 years to 20.

Present law provides parole eligibility for persons serving a life sentence who was under 18 at the time of the commission of the offense, except those convicted of first or second degree murder, if the person has served 30 years of the sentence.

Proposed law decreases the amount of time that person must serve to 20 years.

Present law provides parole eligibility to a person serving a life sentence for a first or second degree murder conviction if the person was under 18 at the time of the commission of the offense, a judicial determination is made that the person is entitled to parole eligibility, and the person has served 35 years of the sentence.

Proposed law decreases the amount of time that person must serve to 25 years.

Effective August 1, 2016.

(Amends R.S. 15:574.4(A)(2), (A)(4)(intro para), (A)(4)(a), (B)(1), (B)(2)(intro para), (B)(2)(a)(i), (D)(1)(a), and (E)(1)(a))