HLS 16RS-46 ENGROSSED

2016 Regular Session

HOUSE BILL NO. 440

BY REPRESENTATIVE JACKSON

CRIMINAL/SENTENCING: Provides relative to parole for persons convicted of crimes of violence and provides for the creation and administration of the Programs to Reduce Recidivism Fund

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; powers and duties; transfer of property to committee; representation of 17 18 applicants before the committee; prohibitions 19 C. 20 21

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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

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

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§574.4. Parole; eligibility

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

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2	§824.2. Programs to Reduce Recidivism Fund
3	A. The Programs to Reduce Recidivism Fund, hereinafter referred to as the
4	"fund", is hereby created in the state treasury. Interest earned on the investment of
5	monies in the fund shall be deposited in and credited to the fund. Unexpended and
6	unencumbered monies in the fund at the close of each fiscal year shall remain in the
7	fund. Monies in the fund shall be appropriated, administered, and used solely and
8	exclusively for the purposes provided by this Section.
9	B. The fund shall be comprised of all monies appropriated, donated, or
10	otherwise made available to provide funding for the purposes set forth in the
11	provisions of this Section. Any funds realized from a reduction in the amount of
12	time a person convicted of a crime of violence is required to serve prior to being
13	eligible for parole consideration as provided for in R.S. 15:574.4(B) shall also be
14	appropriated to the fund. All of such monies required to be deposited in the state
15	treasury in accordance with Article VII, Section 9(A) of the Constitution of
16	Louisiana shall be deposited in the fund after first meeting the requirements of
17	Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond
18	Security and Redemption Fund.
19	C. Monies in the fund shall be appropriated and used for the following
20	purposes:
21	(1) To defray the operational expenses of probation and parole and reentry
22	<u>initiatives.</u>
23	(2) To assist in establishing and reimbursing the operational expenses of
24	local corrections rehabilitative programs that do the following:
25	(a) Provide inmates housed in local facilities with fundamental resources in
26	the areas of employment, life skills training, and job placement.
27	(b) Provide the inmates with access to as many support services as possible
28	to appreciably increase the likelihood of successful reentry into society and to reduce
29	recidivism.

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

1 D. The fund shall be administered by the Louisiana Commission on Law 2 Enforcement and the Administration of Criminal Justice and the Department of Public Safety and Corrections, hereinafter referred to as "the administrators". 3 4 Monies in the fund shall be distributed to probation and parole, reentry initiatives, 5 and local prison facilities through a grant program established by the administrators. 6 The administrators shall allocate funds as necessary for the purposes provided in 7 Subsection C of this Section. The administrators shall promulgate such rules, 8 regulations, and procedures as are necessary in administering the provisions of this 9 Section. 10 Section 3. R.S. 15:827.1(E)(3)(b) is hereby repealed in its entirety. 11 Section 4. The provisions of Sections 1 and 3 of this Act shall have prospective 12 application only and shall apply only to persons convicted on or after the effective date of 13 this Act. 14 Section 5. The Department of Public Safety and Corrections shall measure and 15 document cost savings from the implementation of this Act. The Department of Public 16 Safety and Corrections shall establish a baseline for measurement using the average number 17 of inmates incarcerated at each type of penal or correctional institution as defined in R.S. 18 15:824 and at local parish jails or institutions in Fiscal Year 2015-2016. The Department 19 of Public Safety and Corrections shall provide information regarding the estimated savings 20 to the legislature. The Louisiana Legislature shall appropriate the savings realized by the 21 provisions of this Act to be deposited in the fund created by, and for the purposes set forth 22 in, R.S. 15:824.2 enacted in Section 2 of this Act.

## 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 440 Engrossed

2016 Regular Session

Jackson

**Abstract:** Provides relative to parole for persons convicted of crimes of violence, creates the Programs to Reduce Recidivism Fund, and provides for the administration of, distribution from, and appropriation of monies into the fund.

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.

<u>Present law</u> provides for parole eligibility for offenders convicted of a crime of violence upon serving 85% of the sentence imposed.

<u>Proposed law</u> amends <u>present law</u> to provide parole eligibility for these offenders upon serving 75% of the sentence imposed. Provides for prospective application of this provision of <u>proposed law</u> apply only to those persons convicted on or after the effective date of <u>proposed law</u>.

<u>Present law</u> provides that a unanimous vote of the committee on parole is required to grant parole for any person convicted of a crime of violence.

<u>Present law</u> provides that the committee on parole may grant parole with a majority vote for non-violent, non-sex offenders when certain conditions are met.

<u>Proposed law</u> amends <u>present law</u> to authorize the granting of parole by majority vote for a person convicted of a crime of violence when the conditions set forth in <u>present law</u> are met, including completion of at least 100 hours of a reentry preparation program as provided by present law.

<u>Proposed law</u> repeals the provision of <u>present law</u> which prohibits persons convicted of a crime of violence from being eligible to participate in the reentry preparation program and thus making such persons eligible for the granting of parole by majority vote.

<u>Proposed law</u> provides that these <u>proposed law</u> provisions regarding the majority vote and eligibility to participate in reentry preparation programs for persons convicted of a crime of violence are prospective and are only applicable to persons convicted on or after the effective date of proposed law.

<u>Proposed law</u> creates the Programs to Reduce Recidivism Fund which shall be administered by the La. Commission on Law Enforcement and the Administration of Criminal Justice and the Dept. of Public Safety and Corrections for the following purposes:

- (1) To defray the operational expenses of probation and parole and reentry initiatives.
- (2) To assist in establishing and reimbursing the operational expenses of local corrections rehabilitative programs.

Provides that any savings realized from the <u>proposed law</u> reduction in the amount of time a person convicted of a crime of violence is required to serve prior to being eligible for parole consideration shall be appropriated into the fund.

(Amends R.S. 15:574.2(C)(2)(a) and 574.4(B)(1); Adds R.S. 15:824.2; Repeals R.S. 15:827.1(E)(3)(b))