

RÉSUMÉ DIGEST

HB 544

2022 Regular Session

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Present law (R.S. 15:571.3(B)(1)(a)) provides that every offender in the custody of the DPS&C who has been convicted of a felony, except an offender convicted a second time of a crime of violence, and sentenced to imprisonment for a stated number of years or months, may earn good time in lieu of incentive wages. Offenders serving life sentences will be credited with good time earned which will be applied toward diminution of their sentences at such time as the life sentences might be commuted to a specific number of years.

Proposed law would have provided for an exception for an offender convicted of a fourth or subsequent time of a nonviolent felony offense.

Proposed law would have further provided that an offender convicted of a fourth or subsequent nonviolent felony offense shall earn a diminution of sentence at a rate of one day for every two days in actual custody held on the imposed sentence, including time spent in custody with good behavior prior to sentencing for the particular sentence imposed as authorized by present law (C.Cr.P. Art. 880). Proposed law would not have applied to any person convicted of a sex offense.

Present law (R.S. 15:571.3(D)) provides that diminution of sentence shall not be allowed for an offender in the custody of the DPS&C if the instant offense is a second offense crime of violence or if the instant offense is a sex offense.

Proposed law would have provided that diminution of sentence shall also not be allowed for an offender in a parish prison if the instant offense is a second offense crime of violence or if the instant offense is a sex offense.

Present law (R.S. 15:574.4(A)(1)(a)) provides that a person otherwise eligible for parole shall be eligible for parole consideration upon serving 25% of the sentence imposed. Further provides that present law shall not apply to any person whose instant offense is a crime of violence, a sex offense, or any offense which would constitute a crime of violence or a sex offense, regardless of the date of conviction.

Proposed law would have provided that present law shall also not apply to a person whose instant offense is a fourth or subsequent conviction of a nonviolent felony offense.

Proposed law would have further provided that a person, otherwise eligible for parole, whose instant offense is a fourth or subsequent conviction of a nonviolent felony offense, shall be eligible for parole consideration upon serving 65% of the sentence imposed. Proposed law would not have applied to any person who has been convicted of a sex offense.

(Proposed to amend R.S. 15:571.3(B)(1)(a) and (D) and 574.4(A)(1)(a); proposed to add R.S. 15:571.3(B)(3) and 574.4(A)(1)(c))

VETO MESSAGE: "This bill is a significant rollback of the 2017 Justice Reinvestment effort, passed by the legislature with strong bipartisan support. This effort arose from the Louisiana Justice Reinvestment Task Force, a bipartisan group comprised of law enforcement, court practitioners, community members, and legislators. The 2017 reforms focused on non-violent and non-sex offenses in an effort to change Louisiana's status as the state with the highest incarceration rate in the country. Just five years in, these changes are working. Through June of 2021, the state has saved approximately \$114.8 million in taxpayer dollars resulting in significant reinvestments in juvenile justice programs, victim's services, and other initiatives designed to reduce recidivism.

House Bill 544 would take us in the wrong direction. First, this bill would change the calculation for earning good time for some non-violent offenders, making it more difficult for early release, no matter the severity of the offense. In addition, and in a more significant reversal of the 2017 reforms, some non-violent and non-sex offenders would be required to serve sixty-five percent of a sentence before becoming eligible for parole. This is an enormous change even from the law prior to 2017, where someone was eligible for parole after having served forty percent of the imposed sentence. Thus, this bill would require a person to serve sixty percent more of his sentence before becoming parole eligible than

before the 2017 reforms. It would result in over a one hundred percent increase in the time required to be served in the law after 2017.

The people of this state are not served, nor are they made more safe, by imposing longer prison sentences on non-violent and non-sex offenders. The conclusions of the bipartisan Louisiana Justice Reinvestment Task Force, and the unmistakable results of the 2017 reforms, show that the way to reduce recidivism is to provide for job training and life skills that will assist individuals in becoming productive members of society. These efforts are working, and we should not change course."