HLS 11RS-557 ENGROSSED

Regular Session, 2011

HOUSE BILL NO. 115

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BY REPRESENTATIVES ARMES AND WOOTON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

JUVENILE PROCEDURE: Provides with respect to juvenile parole eligibility

1 AN ACT

To amend and reenact R.S. 15:574.4(B), relative to juvenile parole eligibility; to provide with respect to juvenile parole eligibility; to provide for parole eligibility for juveniles sentenced to life imprisonment; to provide for exceptions; to provide for certain conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4(B) is hereby amended and reenacted to read as follows:

§574.4. Parole; eligibility

9 * * *

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. No Except as provided in Paragraph (2) of this Subsection, 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 percent of the sentence imposed, before being eligible for parole. The victim or victim's family shall be notified

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

wheneve	er the offender is to be released provided that the victim or victim's family
has comp	pleted 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 Depa	artment of Public Safety and Corrections, Crime Victims Services Bureau,
that they	desire such notification.
<u>(2</u>	2) Any person serving a sentence of life imprisonment who was under the
age of ei	ighteen years at the time of the commission of the offense, except for a
person se	erving a life sentence for a conviction of first degree murder (R.S. 14:30) or
second de	egree murder (R.S. 14:30.1), shall be eligible for parole consideration upon
serving the	hirty-five years of the sentence imposed if all of the following conditions
have been	en met:
<u>(2</u>	a) The offender has not committed any disciplinary offense in the twelve
consecut	ive months prior to the parole eligibility date.
<u>(t</u>	b) The offender has completed the mandatory minimum of one hundred
hours of	prerelease programming in accordance with R.S. 15:827.1.
<u>(c</u>	c) The offender has completed substance abuse treatment as applicable.
<u>(c</u>	d) The offender has obtained a GED, unless the offender has previously
obtained	a high school diploma or is deemed by a certified educator as being
incapable	e of obtaining a GED due to a learning disability. If the offender is deemed
incapable	e of obtaining a GED, the offender shall complete at least one of the
following	<u>g:</u>
<u>(i</u>	i) A literacy program.
<u>(i</u>	ii) An adult basic education program.
<u>(i</u>	iii) A job skills training program.
<u>(e</u>	e) The offender has obtained a low-risk level designation determined by a
validated	d risk assessment instrument approved by the secretary of the Department
of Public	e Safety and Corrections.
<u>(f</u>	f) The offender has completed a reentry program to be determined by the
Departme	ent of Public Safety and Corrections.

1 (g) If the offender was convicted of aggravated rape, he shall be designated
2 a sex offender and upon release shall comply with all sex offender registration
3 requirements required by law.
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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)]

Armes HB No. 115

Abstract: Provides for parole eligibility for juveniles serving a sentence of life imprisonment for convictions of certain crimes.

<u>Present law</u> allows persons who were under the age of 18 at the time of the commission of the offense to be sentenced to life imprisonment without the benefit of parole for certain crimes including first degree murder, second degree murder, aggravated rape, and aggravated kidnapping.

<u>Proposed law</u> amends <u>present law</u> to allow persons who were under the age of 18 at the time of the commission of the offense, except those persons serving a sentence for a conviction of first degree murder or second degree murder, to be eligible for parole upon serving 35 years of the sentence imposed when certain conditions have been met.

(Amends R.S. 15:574.4(B))

Summary of Amendments Adopted by House

Committee Amendments Proposed by <u>House Committee on Administration of Criminal Justice</u> to the <u>original</u> bill.

- 1. Changed the number of years an offender is required to serve in order to be eligible for parole consideration under <u>proposed law from 60 years to 35 years.</u>
- 2. Added provisions which require a person to comply with certain conditions in order to be eligible for parole under <u>proposed law</u>.