

Regular Session, 2010

HOUSE BILL NO. 194

BY REPRESENTATIVE PATRICIA SMITH

PAROLE: Amends the earning rate for diminution of sentence and length of sentence which must be served before being eligible for parole

1 AN ACT

2 To amend and reenact R.S. 15:571.3(A)(1) and (B)(2)(a) and 574.4(B), relative to criminal
3 sentences of certain offenders; to provide for the earning rate of diminution of
4 sentence for an inmate convicted of a crime of violence; to reduce the percentage of
5 the length of sentence a person convicted of a crime of violence must serve before
6 being eligible for parole; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:571.3(A)(1) and (B)(2)(a) and 574.4(B) are hereby amended and
9 reenacted to read as follows:

10 §571.3. Diminution of sentence for good behavior

11 A.(1) Every prisoner in a parish prison convicted of an offense and sentenced
12 to imprisonment without hard labor, except a prisoner convicted a second time of a
13 crime of violence as defined by R.S. 14:2(B) or when the sentencing court has denied
14 or conditioned eligibility for "good time" as provided in R.S. 15:537, may earn a
15 diminution of sentence, to be known as "good time", by good behavior and
16 performance of work or self-improvement activities, or both. The amount of
17 diminution of sentence allowed under this Paragraph shall be at the rate of thirty days
18 for every thirty days in actual custody, except for a prisoner convicted a first time of
19 a crime of violence, as defined in R.S. 14:2(B), who shall earn diminution of

1 sentence at the rate of ~~three~~ ten days for every ~~seventeen~~ thirty days in actual
2 custody, including in either case time spent in custody with good behavior prior to
3 sentence for which the prisoner is given credit.

4 * * *

5 B.

6 * * *

7 (2)(a) An inmate convicted a first time of a crime of violence as defined in
8 R.S. 14:2(B), shall earn diminution of sentence at a rate of ~~three~~ ten days for every
9 ~~seventeen~~ thirty days in actual custody, including time spent in custody with good
10 behavior prior to sentence for which defendant is given credit.

11 * * *

12 §574.4. Parole; eligibility; consideration and hearings; decisions of board; nature,
13 order, and conditions; rules of conduct; offenders convicted of crimes of
14 violence; infectious disease testing

15 * * *

16 B. No person shall be eligible for parole consideration who has been
17 convicted of armed robbery and denied parole eligibility under the provisions of R.S.
18 14:64. No prisoner serving a life sentence shall be eligible for parole consideration
19 until his life sentence has been commuted to a fixed term of years. No prisoner
20 sentenced as a serial sexual offender shall be eligible for parole. No prisoner may
21 be paroled while there is pending against him any indictment or information for any
22 crime suspected of having been committed by him while a prisoner.
23 Notwithstanding any other provisions of law to the contrary, a person convicted of
24 a crime of violence and not otherwise ineligible for parole shall serve at least ~~eighty-~~
25 five ~~seventy-five~~ percent of the sentence imposed, before being eligible for parole.
26 The victim or victim's family shall be notified whenever the offender is to be
27 released provided that the victim or victim's family has completed a Louisiana victim
28 notice and registration form as provided in R.S. 46:1841 et seq., or has otherwise

1 provided contact information and has indicated to the Department of Public Safety
2 and Corrections, Crime Victims Services Bureau, that they desire such notification.

3 * * *

4 Section 2. The provisions of this Act shall only apply to persons convicted on or
5 after August 15, 2010.

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)]

Patricia Smith

HB No. 194

Abstract: Provides for the earning rate for diminution of sentence and parole eligibility for offenders convicted of crimes of violence.

Present law provides for diminution of sentence or the earning of "good time".

Present law provides that the rate of diminution of sentence allowed for a prisoner convicted a first time of a crime of violence is three days for every 17 days in actual custody.

Proposed law changes the rate to 10 days for every 30 days in actual custody.

Present law provides that a person convicted of a crime of violence and not otherwise ineligible for parole shall serve at least 85% of the sentence imposed before being eligible for parole.

Proposed law changes this rate to 75%.

Provides that proposed law shall only apply to persons convicted on or after Aug. 15, 2010.

(Amends R.S. 15:571.3(A)(1) and (B)(2)(a) and 574.4(B))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Made proposed law applicable only to persons convicted on or after Aug. 15, 2010.