

ACT No. 566

HOUSE BILL NO. 195

BY REPRESENTATIVES MILLS, WOOTON, PATRICIA SMITH, BARROW, BURRELL, CARMODY, DIXON, EDWARDS, HARDY, GIROD JACKSON, KATZ, LAFONTA, LOPINTO, MONTOUCET, NORTON, NOWLIN, ST. GERMAIN, STIAES, THIERRY, AND WILLIAMS AND SENATOR MARTINY

1 AN ACT

2 To amend and reenact R.S. 15:574.2(B), (C), (D), (E), and (F) and to enact R.S.
3 15:574.2(G), relative to the Board of Parole; to change the number of votes required
4 to grant parole to offenders convicted of certain offenses; to provide for
5 applicability; to provide for criteria; to provide for the granting of parole to certain
6 offenders participating in work release programs; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:574.2(B), (C), (D), (E), and (F) are hereby amended and reenacted
9 and R.S. 15:574.2(G) is hereby enacted to read as follows:

10 §574.2. Board of Parole; membership; qualifications; vacancies; compensation;
11 domicile; venue; meetings; quorum; panels; powers and duties; transfer of
12 property to board; representation of applicants before the board; prohibitions

13 * * *

14 B.(1) The domicile of the board shall be in the parish of East Baton Rouge,
15 city of Baton Rouge, Louisiana.

16 ~~(2) The board shall meet in a minimum of three-member panels at the adult~~
17 ~~correctional institutions on regular scheduled dates, not less than every three months.~~
18 ~~Such dates are to be determined by the chairman. Three votes of a three-member~~
19 ~~panel shall be required to grant parole, or, if the number exceeds a three-member~~
20 ~~panel, a unanimous vote of those present shall be required to grant parole.~~
21 ~~Notwithstanding any other provision of law in this Section, no person convicted of~~
22 ~~a crime of violence against any peace officer as defined in R.S. 14:30(B), shall be~~
23 ~~granted parole except after a meeting, duly noticed and held on a date to be~~

1 ~~determined by the chairman, at which at least five of the seven members of the board~~
 2 ~~are present and all members present vote to grant parole.~~

3 ~~(3)(2)~~ Venue in any action in which an individual committed to the
 4 Department of Public Safety and Corrections contests any action of the board is East
 5 Baton Rouge Parish. Venue in a suit contesting the actions of the board shall be
 6 controlled by this Part and R.S. 15:571.15 and not the Code of Criminal Procedure,
 7 Title XXXI-A, Post Conviction Relief, or Title IX, Habeas Corpus, regardless of the
 8 captioned pleadings stating the contrary.

9 C.(1) The board shall meet in a minimum of three-member panels at the
 10 adult correctional institutions on regular scheduled dates, not less than every three
 11 months. Such dates are to be determined by the chairman. Except as provided for
 12 in Paragraph (2) of this Subsection, three votes of a three-member panel shall be
 13 required to grant parole, or, if the number exceeds a three-member panel, a
 14 unanimous vote of those present shall be required to grant parole.

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

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

22 (b) The offender has not committed any disciplinary offenses in the twelve
 23 consecutive months prior to the parole eligibility date.

24 (c) The offender has completed the mandatory minimum of one hundred
 25 hours of pre-release programming in accordance with R.S. 15:827.1.

26 (d) The offender has completed substance abuse treatment as applicable.

27 (e) The offender has obtained a GED credential, unless the offender has
 28 previously obtained a high school diploma or is deemed by a certified educator as
 29 being incapable of obtaining a GED credential due to a learning disability. If the
 30 offender is deemed incapable of obtaining a GED credential, the offender must

1 complete at least one of the following: a literacy program, an adult basic education
 2 program, or a job skills training program.

3 (f) The offender has obtained a low-risk level designation determined by a
 4 validated risk assessment instrument approved by the secretary of the Department
 5 of Public Safety and Corrections.

6 (3) Notwithstanding any other provision of law in this Section, no person
 7 convicted of a crime of violence against any peace officer as defined in R.S.
 8 14:30(B), shall be granted parole except after a meeting, duly noticed and held on a
 9 date to be determined by the chairman, at which at least five of the seven members
 10 of the board are present and all members present vote to grant parole.

11 €D. In accordance with the provisions of this Part, the Board of Parole shall
 12 have the following powers and duties:

13 (1) To determine the time and conditions of release on parole of any person
 14 who has been convicted of a felony and sentenced to imprisonment, and confined in
 15 any penal or correctional institution in this state.

16 (2) To determine and impose sanctions for violation of the conditions of
 17 parole.

18 (3) To keep a record of its acts and to notify each institution of its decisions
 19 relating to the persons who are or have been confined therein.

20 (4) To transmit annually, on or before the first day of February, a report to
 21 the secretary of ~~public safety and corrections~~ the Department of Public Safety and
 22 Corrections, for inclusion in his report to the governor, which report shall include
 23 statistical and other data with respect to the determinations and work of the board for
 24 the preceding calendar year, research studies which the board may make of
 25 sentencing, parole, or related functions, and may include a recommendation of
 26 legislation to further improve the parole system of this state.

27 (5) To apply to a district court to issue subpoenas, compel the attendance of
 28 witnesses, and the production of books, papers, and other documents pertinent to the
 29 subject of its inquiry; to take testimony under oath, either at a hearing or by
 30 deposition; and to pay all costs in connection with the board hearings.

1 (6) To consider all pertinent information with respect to each prisoner who
2 is incarcerated in any penal or correctional institution in this state at least one month
3 prior to the parole eligible date and thereafter at such other intervals as it may
4 determine, which information shall be a part of the inmate's consolidated summary
5 record and which shall include:

6 (a) The circumstances of his offense.

7 (b) The reports filed under Articles 875 and 876 of the Louisiana Code of
8 Criminal Procedure.

9 (c) His previous social history and criminal record.

10 (d) His conduct, employment, and attitude in prison.

11 (e) His participation in vocational training, adult education, literacy, or
12 reading programs.

13 (f) Any reports of physical and mental examinations which have been made.

14 (7) To adopt such rules not inconsistent with law as it deems necessary and
15 proper, with respect to the eligibility of prisoners for parole, and to the conditions
16 imposed on persons released on parole.

17 (8) When requested, to notify the chief of police, where such exists, and the
18 sheriff and district attorney of the parish where the individual resides and the
19 conviction occurred. The notification shall be in writing and shall be issued at least
20 seven days prior to the release of any parolees residing within the jurisdiction of the
21 agency.

22 (9) To notify the victim, or the spouse or next of kin of a deceased victim,
23 when the offender is scheduled for a parole hearing. The notification shall be in
24 writing and sent no less than thirty days prior to the hearing date. The notice shall
25 advise the victim, or the spouse or next of kin of a deceased victim, of their rights
26 with regard to the hearing. The notice is not required when the victim, or the spouse
27 or next of kin of a deceased victim, advises the board in writing that such notification
28 is not desired. The victim, or the spouse or next of kin of a deceased victim, shall
29 be allowed to testify at the hearing. The victim, or the spouse or next of kin of a

1 deceased victim, shall be allowed to testify directly, or in rebuttal to testimony or
2 evidence offered by or on behalf of the offender, or both.

3 (10) To adopt rules and regulations to encourage voluntary participation by
4 inmates committed to the Department of Public Safety and Corrections in vocational
5 training, adult education, literacy, and reading programs, through programs
6 established by the department under R.S. 15:828(B). The rules and regulations may
7 include provisions for accelerated parole release time, in addition to the provisions
8 of R.S. 15:574.4(A)(1), for persons who are not otherwise ineligible in R.S.
9 15:574.4(B) and who are otherwise eligible, but no offender shall receive more than
10 ten additional days per month or one hundred eighty days total accelerated parole
11 release time for program participation.

12 (11) To sanction the applicant's disorderly, threatening, or insolent behavior,
13 or use of insulting, abusive, or obscene language or written communication in
14 connection with the application before the board. A decision to sanction may result
15 in the immediate and unfavorable termination of the proceedings and the applicant's
16 right to make future application for parole may be suspended for not more than two
17 years. The applicant shall be informed of the sanction of the board at the
18 commencement of the proceedings.

19 (12) To adopt such rules as it deems necessary and proper with respect to the
20 conduct of parole hearings for the purpose of excluding any person or persons in
21 order to protect the privacy of the victim or victims during parole hearings.

22 ~~D.E.~~ The ~~board of parole~~ Board of Parole established by Act No. 162 of
23 1952, as last amended by Act No. 90 of 1967, is hereby abolished and all books,
24 papers, records, monies, and other property heretofore used or possessed by said
25 board shall be transferred to the board of parole established by the provisions of this
26 Part.

27 E.F.(1) The following persons shall not represent any applicant directly or
28 indirectly, before the board:

29 (a) The executive counsel to the governor.

30 (b) The executive secretary to the governor.

1 (c) Any member of the immediate staff of the governor.

2 (d) Any member of a law firm, law partnership, or law corporation of which
3 a member, associate, or partner is the executive counsel to the governor, the
4 executive secretary to the governor, or a member of the immediate staff of the
5 governor.

6 (2) If an executive counsel, executive secretary, or member of the immediate
7 staff of the governor violates the provisions of this Subsection, such person shall
8 forfeit the office or position held and all emoluments of the office or position. In
9 addition, if a member of a law firm, partnership, or corporation of which such a
10 person is a member, associate, or partner violates the provisions of this Subsection,
11 the office or position held with the governor and all emoluments of said office or
12 position shall be forfeited.

13 F.G.(1) On and after August 15, 1997, no member of the Board of Parole
14 shall transmit any correspondence to, or otherwise confer with, a judge before whom
15 a convicted offender is awaiting sentence to request or recommend any action
16 relating to the sentence imposed upon the offender.

17 (2) Violation of the provisions of this Subsection shall immediately
18 disqualify the member from serving on the board and a vacancy shall be declared.

19 (3) However, no decision of the board shall be nullified or otherwise affected
20 by the participation of a member who has violated this Subsection, except as to a
21 decision that involves the offender or any decision rendered after the board is
22 notified of the violation and the violation is determined to have occurred.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____