Regular Session, 2012

HOUSE BILL NO. 318

BY REPRESENTATIVE KATRINA JACKSON

CRIMINAL/SENTENCING: Amends penalty provisions for certain crimes of violence

1	AN ACT
2	To amend and reenact R.S. 15:574.4(B), relative to parole eligibility; to amend provisions
3	of law regarding parole eligibility for certain crimes of violence; and to provide for
4	related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 15:574.4(B) is hereby amended and reenacted to read as follows:
7	§574.4. Parole; eligibility
8	* * *
9	B.(1) No person shall be eligible for parole consideration who has been
10	convicted of armed robbery and denied parole eligibility under the provisions of R.S.
11	14:64.
12	(2) No prisoner serving a life sentence shall be eligible for parole
13	consideration until his life sentence has been commuted to a fixed term of years.
14	(3) No prisoner sentenced as a serial sexual offender shall be eligible for
15	parole.
16	(4) No prisoner may be paroled while there is pending against him any
17	indictment or information for any crime suspected of having been committed by him
18	while a prisoner.
19	(5) Notwithstanding any other provisions of law to the contrary, a person
20	convicted of a crime of violence one of the following enumerated crimes of violence

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1	in this Paragraph and not otherwise ineligible for parole shall serve at least eighty-
2	five percent of the sentence imposed, before being eligible for parole: first degree
3	murder, second degree murder, aggravated rape, forcible rape, simple rape, sexual
4	battery, second degree sexual battery, intentional exposure to AIDS virus, aggravated
5	kidnapping, second degree kidnapping, aggravated arson, armed robbery, carjacking,
6	armed robbery use of firearm additional penalty, second degree robbery, disarming
7	a peace officer, trafficking of children for sexual purposes, human trafficking, and
8	home invasion.
9	(6) Notwithstanding any other provisions of law to the contrary, a person
10	convicted of a crime of violence as defined in R.S. 14:2(B) which is not enumerated
11	in Paragraph (5) of this Subsection, and not otherwise ineligible for parole shall serve
12	at least seventy percent of the sentence imposed before being eligible for parole.
13	(7) The victim or victim's family shall be notified whenever the offender is
14	to be released provided that the victim or victim's family has completed a Louisiana
15	victim notice and registration form as provided in R.S. 46:1841 et seq., or has
16	otherwise provided contact information and has indicated to the Department of
17	Public Safety and Corrections, Crime Victims Services Bureau, that they desire such
18	notification.
19	* * *

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)]

Katrina Jackson

HB No. 318

Abstract: Amends parole eligibility for certain crimes of violence.

<u>Present law</u> provides for the following listing of crimes designated as crimes of violence: solicitation for murder, first degree murder, second degree murder, manslaughter, aggravated battery, second degree battery, aggravated assault, mingling harmful substances, aggravated rape, forcible rape, simple rape, sexual battery, aggravated sexual battery, intentional exposure to AIDS virus, aggravated kidnapping, second degree kidnapping, simple kidnapping, aggravated arson, aggravated criminal damage to property, aggravated burglary, armed robbery, first degree robbery, simple robbery, purse snatching, extortion, assault by drive-by shooting, aggravated crime against nature, carjacking, illegal use of weapons or dangerous instrumentalities, aggravated second degree battery, aggravated assault upon a

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peace officer with a firearm, aggravated assault with a firearm, armed robbery, use of firearm, aggravated robbery, disarming of a peace officer, stalking, second degree cruelty to juveniles, aggravated flight from an officer, terrorism, battery of a correctional facility employee, battery of a police officer, and aggravated incest.

<u>Present law</u> 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.

<u>Proposed law</u> retains that provision of <u>present law</u> with respect to first degree murder, second degree murder, aggravated rape, forcible rape, simple rape, sexual battery, second degree sexual battery, intentional exposure to AIDS virus, aggravated kidnapping, second degree kidnapping, aggravated arson, armed robbery, carjacking, armed robbery use of firearm additional penalty, second degree robbery, disarming a peace officer, trafficking of children for sexual purposes, human trafficking, and home invasion.

<u>Proposed law</u> provides that a person convicted of all other crimes of violence and not otherwise ineligible for parole shall serve at least 75% of the sentence imposed before being eligible for parole.

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