

Regular Session, 2012

HOUSE BILL NO. 344

BY REPRESENTATIVE LOPINTO

JUVENILE PROCEDURE: Provides with respect to juvenile parole eligibility

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

9 §574.4. Parole; eligibility

10 \* \* \*

11 B. No person shall be eligible for parole consideration who has been  
12 convicted of armed robbery and denied parole eligibility under the provisions of R.S.  
13 14:64. ~~No~~ Except as provided in Subsection D of this Section, no prisoner serving  
14 a life sentence shall be eligible for parole consideration until his life sentence has  
15 been commuted to a fixed term of years. No prisoner sentenced as a serial sexual  
16 offender shall be eligible for parole. No prisoner may be paroled while there is  
17 pending against him any indictment or information for any crime suspected of having  
18 been committed by him while a prisoner. Notwithstanding any other provisions of  
19 law to the contrary, a person convicted of a crime of violence and not otherwise  
20 ineligible for parole shall serve at least eighty-five percent of the sentence imposed,

1 before being eligible for parole. The victim or victim's family shall be notified  
2 whenever the offender is to be released provided that the victim or victim's family  
3 has completed a Louisiana victim notice and registration form as provided in R.S.  
4 46:1841 et seq., or has otherwise provided contact information and has indicated to  
5 the Department of Public Safety and Corrections, Crime Victims Services Bureau,  
6 that they desire such notification.

7 \* \* \*

8 D.(1) Any person serving a sentence of life imprisonment who was under the  
9 age of eighteen years at the time of the commission of the offense, except for a  
10 person serving a life sentence for a conviction of first degree murder (R.S. 14:30) or  
11 second degree murder (R.S. 14:30.1), shall be eligible for parole consideration upon  
12 serving thirty years of the sentence imposed if all of the following conditions are  
13 met:

14 (a) The offender has not committed any disciplinary offense in the twelve  
15 consecutive months prior to the parole eligibility date.

16 (b) The offender has completed the mandatory minimum of one hundred  
17 hours of prerelease programming in accordance with R.S. 15:827.1.

18 (c) The offender has completed substance abuse treatment as applicable.

19 (d) The offender has obtained a GED, unless the offender has previously  
20 obtained a high school diploma or is deemed by a certified educator as being  
21 incapable of obtaining a GED due to a learning disability. If the offender is deemed  
22 incapable of obtaining a GED, the offender shall complete at least one of the  
23 following:

24 (i) A literacy program.

25 (ii) An adult basic education program.

26 (iii) A job skills training program.

27 (e) The offender has obtained a low-risk level designation determined by a  
28 validated risk assessment instrument approved by the secretary of the Department  
29 of Public Safety and Corrections.

1           (f) The offender has completed a reentry program to be determined by the  
2           Department of Public Safety and Corrections.

3           (g) If the offender was convicted of aggravated rape, he shall be designated  
4           a sex offender and upon release shall comply with all sex offender registration and  
5           notification provisions as required by law.

6           (2) For each offender eligible for parole consideration pursuant to the  
7           provisions of this Subsection, the board shall meet in a three-member panel and each  
8           member of the panel shall be provided with and shall consider a written evaluation  
9           of the offender by a person who has expertise in adolescent brain development and  
10          behavior and any other relevant evidence pertaining to the offender.

11          (3) The panel shall render specific findings of fact in support of its decision.

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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)]

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Lopinto

HB No. 344

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

Present law 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.

In the case of *Graham v. Florida* (130 S.Ct. 2011 (2010)), the U.S. Supreme Court held that the Eighth Amendment's "cruel and unusual punishment" clause does not permit a juvenile offender to be sentenced to life in prison without a reasonable opportunity for parole for a non-homicide crime.

Proposed law amends present law 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 consideration upon serving 30 years of the sentence imposed when the following conditions have been met:

- (1) The offender has not committed any disciplinary offenses in the 12 consecutive months prior to the parole eligibility date.
- (2) The offender has completed at least 100 hours of prerelease programming.
- (3) The offender has obtained a GED or, in certain circumstances, has completed a literacy program, an adult basic education program, or a job skills training program.

- (4) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument.
- (5) The offender has completed a reentry program as determined by DPS&C.

Proposed law further provides that for such parole decisions, the board shall meet in three-member panels and each member shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence pertaining to the offender.

Proposed law provides that the panel shall render specific findings of fact in support of its decision.

Effective Aug. 1, 2012.

(Amends R.S. 15:574.4(B); Adds R.S. 15:574.4(D))

Summary of Amendments Adopted by House

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

1. Amended the number of years an offender must serve from 45 years to 30 years to be eligible for parole consideration pursuant to proposed law and deleted the requirement that the offender attain the age of 60 years.
2. Added provision which requires the board to meet in three-member panels.
3. Added provision which requires the panel to be provided with and to consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence.
4. Added provision which requires the panel to render specific findings of fact in support of its decision.