HLS 10RS-362 **REENGROSSED**

Regular Session, 2010

HOUSE BILL NO. 35

BY REPRESENTATIVE PATRICIA SMITH

 $CORRECTIONS/PRISONERS:\ Provides\ with\ respect\ to\ eligibility\ for\ parole\ consideration$ for certain elderly inmates

1	AN ACT
2	To enact R.S. 15:574.4(A)(4), relative to parole; to provide for eligibility for parole
3	consideration for certain inmates who are at least sixty years of age, have been
4	incarcerated for at least ten years, and have met certain conditions; to provide for
5	exceptions; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 15:574.4(A)(4) is hereby enacted to read as follows:
8	§574.4. Parole; eligibility; consideration and hearings; decisions of board; nature,
9	order, and conditions; rules of conduct; offenders convicted of crimes of
10	violence; infectious disease testing
11	A.
12	* * *
13	(4) Notwithstanding any other provision of law to the contrary, unless
14	eligible for parole at an earlier date, a person committed to the Department of Public
15	Safety and Corrections for a term or terms of imprisonment with or without benefit
16	of parole who has served at least ten years of the term or terms of imprisonment in
17	actual custody shall be eligible for parole consideration upon reaching the age of
18	sixty years if the following conditions are met:
19	(a) The offender has not been convicted of a crime of violence as defined in
20	R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or convicted of an offense
21	which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex
22	offense as defined in R.S. 15:541, regardless of the date of conviction.

Page 1 of 3

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1	(b) The offender has not committed any disciplinary offenses in twelve
2	consecutive months prior to the parole eligibility date.
3	(c) The offender has completed the mandatory minimum of one hundred
4	hours of pre-release programming in accordance with the provisions of R.S.
5	<u>15:827.1.</u>
6	(d) The offender has completed substance abuse treatment as applicable.
7	(e) The offender has obtained a GED credential, unless the offender has
8	previously obtained a high school diploma or is deemed by a certified educator as
9	being incapable of obtaining a GED credential due to a learning disability. If the
10	offender is deemed incapable of obtaining a GED credential, the offender shall
11	complete at least one of the following: a literacy program, an adult basic education
12	program, or a job skills training program.
13	(f) The offender has obtained a low-risk level designation determined by a
14	validated risk assessment instrument approved by the secretary of the Department
15	of Public Safety and Corrections.
16	* * *
17	Section 2. The provisions of this Act shall apply only to persons convicted on or
18	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. 35

Abstract: Provides for parole consideration for those inmates who have served 10 years in prison, have reached the age of 60 years, and have met certain conditions.

Proposed law provides that any person sentenced to the custody of DPS&C who has served at least 10 years of a term of imprisonment shall be eligible for parole consideration upon reaching the age of 60 if the following conditions are met:

- (1) The offender has not been convicted of a crime of violence or a sex offense, or an offense which would constitute a crime of violence or a sex offense, regardless of the date of conviction.
- The offender has not committed any disciplinary offenses in the 12 consecutive (2) months prior to the parole eligibility date.

Page 2 of 3

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REENGROSSED HB NO. 35

- (3) The offender has completed the mandatory minimum of 100 hours of pre-release programming.
- (4) The offender has completed substance abuse treatment as applicable.
- (5) 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 of obtaining a GED due to a learning disability. If the offender is deemed incapable of obtaining a GED, the offender must complete at least one of the following: a literacy program, an adult basic education program, or a job skills training program.
- (6) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of DPS&C.

Proposed law provides for prospective application only.

(Adds R.S. 15:574.4(A)(4))

Summary of Amendments Adopted by House

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

- 1. Added conditions to the proposed parole eligibility requirements.
- 2. Made <u>proposed law</u> applicable only to persons convicted on or after Aug. 15, 2010.