Regular Session, 2011

## **ACT No. 285**

HOUSE BILL NO. 416

1

## BY REPRESENTATIVE LOPINTO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

2	To amend and reenact R.S. 15:574.4(A)(1), relative to parole eligibility; to provide for
3	parole eligibility for certain offenders after serving a certain portion of the criminal
4	sentence; to provide for exceptions; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 15:574.4(A)(1) is hereby amended and reenacted to read as follows:
7	§574.4. Parole; eligibility
8	A.(1)(a) Unless eligible at an earlier date and except Except as provided for
9	in Subparagraph (b) of this Paragraph and Subsection B of this Section, a person,
10	otherwise eligible for parole, convicted of a first felony offense shall be eligible for
11	parole consideration upon serving one-third thirty-three and one-third percent of the
12	sentence imposed. Upon conviction of a second felony offense, such person shall
13	be eligible for parole consideration upon serving one-half fifty percent of the
14	sentence imposed. A person convicted of a third or subsequent felony offense shall
15	not be eligible for parole.
16	(b)(i) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
17	a person, otherwise eligible for parole, convicted of a first felony offense shall be
18	eligible for parole consideration upon serving twenty-five percent of the sentence
19	imposed. The provisions of this Subparagraph shall not apply to any person who has
20	been convicted of a crime of violence as defined in R.S. 14:2(B), has been convicted
21	of a sex offense as defined in R.S. 15:541, has been sentenced as a habitual offender
22	pursuant to R.S. 15:529.1, or is otherwise ineligible for parole.

HB NO. 416 **ENROLLED** 1 (ii) Any person eligible for parole pursuant to the provisions of this 2 Subparagraph shall not be eligible for parole pursuant to the provisions of 3 Subparagraph (a) of this Paragraph. 4 (iii) Nothing in this Subparagraph shall prevent a person from reapplying for 5 parole as provided by rules adopted in accordance with the Administrative Procedure 6 Act. 7 8 Section 2. The provisions of this Act shall apply only to persons who are sentenced 9 on or after August 15, 2011. 10 Section 3. The Department Public Safety and Corrections shall measure and 11 document cost savings from the implementation of this Act. The Department of Public 12 Safety and Corrections shall establish a baseline for measurement using the average number 13 of inmates incarcerated at each type of penal or correctional institution as defined in R.S. 14 15:824 and at local parish jails or institutions in Fiscal Year 2010-2011. The Department 15 of Public Safety and Corrections shall provide information regarding the estimated savings 16 to the legislature. The Louisiana Legislature shall appropriate the savings realized by the 17 provisions of this Act for reimbursements for the costs of incarceration of offenders awaiting 18 probation and parole revocation hearings, for other local corrections programs that reduce 19 recidivism, for expanded treatment programs, and for expanded probation and parole 20 services. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE

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APPROVED: \_\_\_\_\_

GOVERNOR OF THE STATE OF LOUISIANA