

2018 Regular Session

HOUSE BILL NO. 518

BY REPRESENTATIVE MARINO

PAROLE: Provides relative to parole

1 AN ACT

2 To amend and reenact R.S. 15:574.4.1(D)(1) and 574.7(A) and (D)(1)(c) and to enact R.S.
3 13:5402 and R.S. 15:571.5(B)(3), 574.4.1(D)(3), 574.4.2(A)(2)(l), and
4 574.7(D)(1)(d) and (2)(c), relative to persons placed on parole; to authorize the
5 creation of a Parole Court in certain judicial districts; to provide relative to the
6 funding of the Parole Court; to provide relative to the authority and duties of the
7 Department of Public Safety and Corrections, the committee on parole, and the
8 judges presiding over the Parole Court; to provide for the transfer of a parolee to the
9 Parole Court under certain circumstances; to provide for the duration that a person's
10 parole release date may be extended if the person is placed under the supervision of
11 the Parole Court; to provide for placement in Parole Court as an alternative to
12 revocation of a person's parole; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 13:5402 is hereby enacted to read as follows:

15 §5402. Parole Court; pilot program

16 A. The courts of the Twenty-Second Judicial District and the Twenty-Fourth
17 Judicial District, by rule adopted by a majority of the judges sitting en banc, may
18 establish a Parole Court to be administered by the presiding judge or judges of a
19 special division of court established by the court, or any judge of the district court
20 if the presiding judge or judges are unavailable.

1 in the best interest of the public and of the prisoner, to ensure public safety, and to
2 enhance the prisoner's opportunity for success.

3 * * *

4 §574.4.1. Parole consideration and hearings

5 * * *

6 D.(1) Except as provided in ~~Paragraph~~ Paragraphs (2) and (3) of this
7 Subsection, the release date of the prisoner shall be fixed by the committee, but such
8 date shall not be later than six months after the parole hearing or the most recent
9 reconsideration of the prisoner's case.

10 * * *

11 (3) If the committee on parole determines that to ensure public safety and
12 enhance the prisoner's opportunity for success the prisoner shall be placed under the
13 supervision of the Parole Court, pursuant to R.S. 13:5402, prior to his release, the
14 release date of the prisoner may be extended to no later than nine months after the
15 parole hearing or the most recent reconsideration of the prisoner's case.

16 §574.4.2. Decisions of committee on parole; nature, order, and conditions of parole;
17 rules of conduct; infectious disease testing

18 A.

19 * * *

20 (2) The committee may also require, either at the time of his release on
21 parole or at any time while he remains on parole, that he conform to any of the
22 following conditions of parole which are deemed appropriate to the circumstances
23 of the particular case:

24 * * *

25 (1) Notwithstanding any law to the contrary, be placed under the supervision
26 of the Parole Court pursuant to R.S. 13:5304.

27 * * *

1 §574.7. Custody and supervision of parolees; modification or suspension of
2 supervision; violation of conditions of parole; sanctions; alternative
3 conditions; administrative sanctions

4 A.(1) Each parolee shall remain in the legal custody of the Department of
5 Public Safety and Corrections, corrections services, and shall be subject to the orders
6 and supervision of the committee. At the direction of the committee, the chief
7 probation and parole officer shall be responsible for the investigation and supervision
8 of all parolees. The committee may modify or suspend such supervision upon a
9 determination that a parolee who had conducted himself in accordance with the
10 conditions of his parole no longer needs the guidance and supervision originally
11 imposed.

12 (2) Notwithstanding any law to the contrary, each parolee placed under the
13 supervision of the Parole Court pursuant to R.S. 13:5402 by the committee shall be
14 subject to the orders and supervision of the Parole Court judge. The supervising
15 Parole Court shall be authorized to exercise any and all powers granted to the
16 committee on parole relative to persons who are released on parole while the parolee
17 is under the supervision of the Parole Court.

18 * * *

19 D.(1) If the chief probation and parole officer, upon recommendation by a
20 parole officer, has reasonable cause to believe that a parolee has violated the
21 conditions of parole, he shall notify the committee, and shall cause the appropriate
22 parole officer to submit the parolee's record to the committee. After consideration of
23 the record submitted, and after such further investigation as it may deem necessary,
24 the committee may order:

25 * * *

26 (c) That the parolee be placed under the supervision of the Parole Court
27 pursuant to R.S. 13:5402.

28 ~~(c)~~(d) That the parolee be arrested, and upon arrest be given a prerevocation
29 hearing within a reasonable time, at or reasonably near the place of the alleged parole

1 violation or arrest, to determine whether there is probable cause to detain the parolee
2 pending orders of the parole committee.

3 (2) Upon receiving a summary of the prerevocation proceeding, the
4 committee may order the following:

5 * * *

6 (c) As an alternative to revocation, that the parolee be placed under the
7 supervision of the Parole Court pursuant to R.S. 13:5402.

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)]

HB 518 Original

2018 Regular Session

Marino

Abstract: Provides for the creation and establishment of a Parole Court in the 22nd and 24th Judicial District courts and authorizes the transfer of certain parolees from the committee on parole to the Parole Court.

Proposed law authorizes the 22nd and 24th JDCs to establish a Parole Court to be administered by the presiding judge or judges of a special division of court established by the court, or any judge of the district court if the presiding judge or judges are unavailable. In this regard, proposed law does all of the following:

- (1) Provides that the Dept. of Public Safety and Corrections shall use a portion of the savings realized as a result of reforms to the criminal justice system pursuant to present law to defray the operating expenses of the Parole Court, including the additional operating expenses of the 22nd and 24th JDCs.
- (2) Provides that the terms of the Parole Court pilot program shall be decided by the presiding judge or judges.
- (3) Authorizes the Dept. of Public Safety and Corrections or the committee on parole to order that any parolee be placed under the supervision of the Parole Court upon his release or in lieu of revocation to ensure public safety and enhance the prisoner's opportunity for success, and further provides that the Parole Court may accept or reject the transfer.
- (4) Provides that the supervising Parole Court shall be authorized to exercise any and all powers granted to the committee on parole relative to persons who are released on parole while the parolee is under the supervision of the Parole Court.
- (5) Provides that upon successful completion of the Parole Court or at the discretion of the judge, the supervision of the parolee shall be transferred from the Parole Court back to the committee on parole.

Present law provides that when a person is released because of diminution of sentence, he shall be released as if released on parole for the remainder of the original term of sentence. Such person shall be supervised in the same manner and to the extent as if he were released on parole.

Proposed law retains present law and provides that any person released on parole for diminution of sentence pursuant to present law may be placed under the supervision of the Parole Court pursuant to proposed law when it appears in the best interest of the public and of the prisoner, to ensure public safety, and to enhance the prisoner's opportunity for success.

Present law provides that the release date of a prisoner shall be fixed by the committee on parole, but such date shall not be later than six months after the parole hearing or the most recent reconsideration of the prisoner's case, unless the committee on parole determines that it is necessary for the prisoner to complete one or more rehabilitative programs. In such case, the prisoner's release date may be extended to no later than nine months after the parole hearing or the most recent reconsideration of the prisoner's case.

Proposed law retains present law but adds an exception to the six-month limit if the committee on parole determines that to ensure public safety and enhance the prisoner's opportunity for success, the prisoner shall be placed under the supervision of the Parole Court prior to his release. In such case, the release date of the prisoner may be extended to no later than nine months after the parole hearing or the most recent reconsideration of the prisoner's case.

Present law provides that the committee on parole may make rules for the conduct of persons granted parole and may require that the person conform to certain conditions of parole.

Proposed law retains present law and adds that the person may be placed under the supervision of the Parole Court.

Present law provides that each parolee shall remain in the legal custody of the Dept. of Public Safety and Corrections, corrections services, and shall be subject to the orders and supervision of the committee.

Proposed law retains present law and provides that each parolee placed under the supervision of the Parole Court shall be subject to the orders and supervision of the Parole Court judge. The supervising Parole Court shall be authorized to exercise any and all powers granted to the committee on parole while the parolee is under the supervision of the Parole Court.

Present law provides that if there is reasonable cause to believe that a parolee has violated the conditions of parole, the committee on parole shall consider the parolee's record and may order any of the following: (1) the issuance of a reprimand and warning to the parolee; (2) that the parolee be required to conform to one or more additional conditions of parole; and (3) that the parolee be arrested, and upon arrest be given a prerevocation hearing within a reasonable time to determine whether there is probable cause to detain the parolee pending orders of the parole committee.

Proposed law retains present law but adds that the committee on parole may order that the such parolees be placed under the supervision of the Parole Court.

Present law provides that upon receiving the summary of a prerevocation proceeding, the committee on parole may order the following: (1) the parolee's return to the physical custody of the Dept. of Public Safety and Corrections, corrections services, to await a hearing to determine whether his parole should be revoked or (2) as an alternative to revocation, that the parolee, as a condition of parole, be committed to a community rehabilitation center or a substance abuse treatment program under certain conditions.

Proposed law retains present law but adds that, as an alternative to revocation, the parolee may be placed under the supervision of the Parole Court.

(Amends R.S. 15:574.4.1(D)(1) and 574.7(A) and (D)(1)(c); Adds R.S. 13:5402 and R.S. 15:571.5(B)(3), 574.4.1(D)(3), 574.4.2(A)(2)(1), and 574.7(D)(1)(d) and (2)(c))