

ACT No. 463

2023 Regular Session

HOUSE BILL NO. 70

BY REPRESENTATIVES VILLIO, GAROFALO, SCHEXNAYDER, AND SCHLEGEL

1 AN ACT

2 To amend and reenact R.S. 15:571.3(B)(1)(a) and (D) and 574.4(A)(1)(a) and to enact R.S.
3 15:571.3(B)(3) and 574.4(A)(1)(c), relative to criminal sentencing; to provide
4 relative to diminution of sentence; to provide for the rate of diminution of sentence
5 for certain circumstances; to provide for parole eligibility; to provide relative to
6 parole eligibility for certain circumstances; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:571.3(B)(1)(a) and (D) and 574.4(A)(1)(a) are hereby amended
9 and reenacted and R.S. 15:571.3(B)(3) and 574.4(A)(1)(c) are hereby enacted to read as
10 follows:

11 §571.3. Diminution of sentence for good behavior

12 * * *

13 B.(1)(a) Unless otherwise prohibited, every offender in the custody of the
14 department who has been convicted of a felony, except an offender convicted a
15 second time of a crime of violence as defined by R.S. 14:2(B) or an offender
16 convicted a fourth or subsequent time of a nonviolent felony offense, and sentenced
17 to imprisonment for a stated number of years or months, may earn, in lieu of
18 incentive wages, a diminution of sentence by good behavior and performance of
19 work or self-improvement activities, or both, to be known as "good time". Those
20 offenders serving life sentences will be credited with good time earned which will
21 be applied toward diminution of their sentences at such time as the life sentences
22 might be commuted to a specific number of years. The secretary shall establish

1 regulations for awarding and recording of good time and shall determine when good
 2 time has been earned toward diminution of sentence. The amount of diminution of
 3 sentence allowed under the provisions of this Section shall be at the rate of thirteen
 4 days for every seven days in actual custody served on the imposed sentence,
 5 including time spent in custody with good behavior prior to sentencing for the
 6 particular sentence imposed as authorized by the provisions of Code of Criminal
 7 Procedure Article 880.

* * *

9 (3) An offender convicted of a fourth or subsequent nonviolent felony
 10 offense shall earn a diminution of sentence at a rate of one day for every two days
 11 in actual custody held on the imposed sentence, including time spent in custody with
 12 good behavior prior to sentencing for the particular sentence imposed as authorized
 13 by Code of Criminal Procedure Article 880. The provisions of this Paragraph shall
 14 not apply to any person who has been convicted of a sex offense as defined in R.S.
 15 15:541.

* * *

17 D.(1) Diminution of sentence shall not be allowed for an offender in a parish
 18 prison or in the custody of the Department of Public Safety and Corrections if the
 19 instant offense is a second offense crime of violence as defined by R.S. 14:2(B).

20 (2) Diminution of sentence shall not be allowed for an offender in a parish
 21 prison or in the custody of the Department of Public Safety and Corrections if the
 22 instant offense is a sex offense as defined by R.S. 15:541.

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24 §574.4. Parole; eligibility; juvenile offenders

25 A.(1)(a) Unless eligible at an earlier date, a person otherwise eligible for
 26 parole shall be eligible for parole consideration upon serving twenty-five percent of
 27 the sentence imposed. The provisions of this Subparagraph shall not apply to any
 28 person whose instant offense is a crime of violence as defined in R.S. 14:2(B), a sex
 29 offense as defined in R.S. 15:541, or any offense which would constitute a crime of
 30 violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or

1 whose instant offense is a fourth or subsequent conviction of a nonviolent felony
 2 offense, regardless of the date of conviction. Notwithstanding any provisions of law
 3 to the contrary, the provisions of this Subparagraph shall be applicable to persons
 4 convicted of offenses prior to and on or after November 1, 2017.

* * *

6 (c) A person, otherwise eligible for parole, whose instant offense is a fourth
 7 or subsequent conviction of a nonviolent felony offense, shall be eligible for parole
 8 consideration upon serving sixty-five percent of the sentence imposed. The
 9 provisions of this Subparagraph shall not apply to any person who has been
 10 convicted of a sex offense as defined in R.S. 15:541.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____