

2021 Regular Session

HOUSE RESOLUTION NO. 198

BY REPRESENTATIVE VILLIO

CRIMINAL/SENTENCING: Requests the House Committee on the Administration of Criminal Justice to study the issue of non-capital felony sentencing

1 A RESOLUTION

2 To request the House Committee on Administration of Criminal Justice, or a subcommittee
3 thereof, to study non-capital felony sentencing and evaluate the procedures, best
4 practices, transparency, and effectiveness of sentencing for those convicted of
5 non-capital felony offenses in Louisiana in order to best assure the fair
6 administration of justice.

7 WHEREAS, the fair administration of justice requires that all stakeholders within
8 the criminal justice system, including victims, defendants, defense counsel, prosecutors,
9 judges, and the Department of Public Safety and Corrections should be afforded the
10 opportunity to accurately calculate the amount of time to be served by an individual
11 convicted of a felony offense in Louisiana and the projected release date upon the
12 completion of that individual's sentence; and

13 WHEREAS, the current scheme of felony sentencing, including but not limited to
14 good time calculations, parole eligibility, early release programs, transitional work
15 programs, habitual offender procedures, and related provisions are complex and enigmatic;
16 and

17 WHEREAS, the current scheme of felony sentencing has resulted in civil litigation
18 from certain convicted individuals who have sued the Department of Public Safety and
19 Corrections for holding them beyond their actual release dates due to the failure of the
20 department to timely calculate and effectuate their release; and

1 WHEREAS, the current scheme of felony sentencing has resulted in the inability of
2 stakeholders to advise victims and crime survivors of an accurate release date for those
3 convicted of felony crimes and sentenced to hard labor within the Department of Public
4 Safety and Corrections; and

5 WHEREAS, the current scheme of felony sentencing has resulted in an investigation
6 by the United States Department of Justice into the over-detention of inmates due to the
7 inability to timely calculate accurate release dates; and

8 WHEREAS, twenty-four states have utilized a transparency sentencing scheme
9 which operates to provide clarity to all stakeholders as to the amount of time to be served
10 prior to release when committed to a period of incarceration for a conviction of a felony
11 offense in those states; and

12 WHEREAS, states that have implemented and applied such transparency sentencing
13 procedures have reported a reduction in the rate of incarceration, a reduction in the rate of
14 recidivism, a reduction in the crime rates, and an increase in clarity.

15 THEREFORE, BE IT RESOLVED that the House of Representatives of the
16 Legislature of Louisiana requests the House Committee on Administration of Criminal
17 Justice, or a subcommittee thereof, to study non-capital felony sentencing with the intent of
18 developing best practices regarding transparency in sentencing for those convicted of felony
19 crimes within Louisiana and to propose recommendations that would effectuate the fair
20 administration of justice for both the victims of crime, survivors of crime, defendants in
21 criminal proceedings, and the citizens of Louisiana, and to report its findings to the House
22 of Representatives no later than February 15, 2022.

23 BE IT FURTHER RESOLVED that the House Committee on Administration of
24 Criminal Justice may receive information from all of the following organizations:

- 25 (1) The governor's office.
- 26 (2) The Louisiana Supreme Court.
- 27 (3) The Louisiana District Judges Association.
- 28 (4) The Department of Public Safety and Corrections.
- 29 (5) The Victims of Innocent Citizens Empowered, Incorporated.
- 30 (6) The state public defender.

- 1 (7) The Louisiana District Attorneys Association.
- 2 (8) The Louisiana Sheriffs' Association.
- 3 (9) The Board of Pardons and committee on parole.
- 4 (10) The Louisiana Probation and Parole Officers Association.
- 5 (11) The Louisiana Sentencing Commission.
- 6 (12) Any other interested stakeholders.

7 BE IT FURTHER RESOLVED that one print copy and one electronic copy of any
8 report produced pursuant to this Resolution shall be submitted to the David R. Poynter
9 Legislative Research Library as required by R.S. 24:772.

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)]

HR 198 Original

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Requests the House Committee on Administration of Criminal Justice to study the issue of non-capital felony sentencing and to report of its findings no later than Feb. 15, 2022.