

2020 Regular Session

SENATE BILL NO. 355

BY SENATOR BOUDREAUX

CRIME/PUNISHMENT. Provides that certain persons are eligible for parole after serving twenty or thirty years. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 15:574.4(A)(1)(b)(i) and (2), (B)(1) and the introductory

3 paragraph of (B)(2), and (H)(1), relative to parole eligibility; to allow certain persons

4 with fixed sentences to be eligible for parole consideration after serving at least

5 twenty years; to allow certain persons serving life sentences to be eligible for parole

6 consideration after serving at least thirty years; to remove certain prohibitions against

7 eligibility for parole consideration; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:574.4(A)(1)(b)(i) and (2), (B)(1) and the introductory paragraph

10 of (B)(2), and (H)(1) are hereby amended and reenacted to read as follows:

11 §574.4. Parole; eligibility; juvenile offenders

12 A.(1)(a) * * *

13 (b)(i) A person, otherwise eligible for parole, whose instant offense is a

14 second **or subsequent** conviction of a crime of violence as defined in R.S. 14:2(B)

15 ~~or a first or second conviction of a sex offense as defined in R.S. 15:541~~ shall be

16 eligible for parole consideration upon serving seventy-five percent of the sentence

17 imposed. A person convicted a third or subsequent time of ~~a crime of violence as~~

1 ~~defined in R.S. 14:2(B) or a third or subsequent time of a sex offense as defined in~~
2 R.S. 15:541 shall not be eligible for parole.

3 * * *

4 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection or any
5 other law to the contrary, unless eligible for parole at an earlier date, a person
6 committed to the Department of Public Safety and Corrections for a term or terms
7 of imprisonment with or without benefit of parole for thirty years or more shall be
8 eligible for parole consideration upon serving at least twenty years of the term or
9 terms of imprisonment in actual custody ~~and upon reaching the age of forty-five.~~

10 This provision shall not apply to a person serving a life sentence unless the sentence
11 has been commuted to a fixed term of years. ~~The provisions of this Paragraph shall~~
12 ~~not apply to any person who has been convicted under the provisions of R.S. 14:64.~~
13 The provisions of this Paragraph shall not apply to any person who has been
14 convicted of a ~~crime of violence as defined in R.S. 14:2(B)~~ or a sex offense as
15 defined in R.S. 15:541.

16 * * *

17 B.(1) ~~No person shall be eligible for parole consideration who has been~~
18 ~~convicted of armed robbery and denied parole eligibility under the provisions of R.S.~~
19 ~~14:64. Except as provided in Paragraph (2) of this Subsection, and except as~~
20 ~~provided in Paragraph (A)(5) and Subsections D, E, and H of this Section, no~~
21 ~~prisoner serving a life sentence shall be eligible for parole consideration until his life~~
22 ~~sentence has been commuted to a fixed term of years. No prisoner sentenced as a~~
23 ~~serial sexual offender shall be eligible for parole. No prisoner may be paroled while~~
24 ~~there is pending against him any indictment or information for any crime suspected~~
25 ~~of having been committed by him while a prisoner. Notwithstanding any other~~
26 ~~provisions of law to the contrary, a person convicted of a crime of violence and not~~
27 ~~otherwise ineligible for parole shall serve at least sixty-five percent of the sentence~~
28 ~~imposed, before being eligible for parole. The victim or victim's family shall be~~
29 ~~notified whenever the offender is to be released provided that the victim or victim's~~

1 family has completed a Louisiana victim notice and registration form as provided in
 2 R.S. 46:1841 et seq., or has otherwise provided contact information and has indicated
 3 to the Department of Public Safety and Corrections, Crime Victims Services Bureau,
 4 that they desire such notification.

5 (2) Notwithstanding any provision of law to the contrary, any person serving
 6 a life sentence, with or without the benefit of parole, who has not been convicted of
 7 ~~a crime of violence as defined by R.S. 14:2(B), a sex offense as defined by R.S.~~
 8 ~~15:541, or an offense, regardless of the date of conviction, which would constitute~~
 9 ~~a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S.~~
 10 15:541; shall be eligible for parole consideration as follows:

11 * * *

12 H.(1) Notwithstanding any provision of law to the contrary, an offender
 13 serving a life sentence for second degree murder (R.S. 14:30.1), shall be eligible for
 14 parole consideration pursuant to the provisions of this Subsection if all of the
 15 following conditions are met:

16 (a) ~~The offender committed the offense after July 2, 1973, and prior to~~
 17 ~~June 29, 1979.~~

18 (b) The offender has served at least ~~forty~~ **thirty** years of the sentence
 19 imposed.

20 **(b) The life sentence was not for first degree murder (R.S. 14:30) or first**
 21 **degree rape (R.S. 14:42).**

22 * * *

23 Section 2. This Act shall become effective upon signature by the governor or, if not
 24 signed by the governor, upon expiration of the time for bills to become law without signature
 25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 27 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 355 Original

2020 Regular Session

Boudreaux

Present law provides relative to parole eligibility for certain offenders serving fixed sentences or life imprisonment. Present law provides that a person, otherwise eligible for parole, whose instant offense is a second conviction of a crime of violence as defined in present law or a first or second conviction of a sex offense as defined in present law are eligible for parole consideration upon serving 75 % of the sentence imposed. Present law further provides that a person convicted a third or subsequent time of a crime of violence or a third or subsequent time of a sex offense is not eligible for parole.

Proposed law removes the prohibition for parole consideration from persons serving sentences for crimes of violence. Proposed law otherwise retains present law.

Present law provides that, unless eligible for parole at an earlier date, a person committed to the Dept. of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole for 30 years or more is eligible for parole consideration upon serving at least 20 years of the term or terms of imprisonment in actual custody and upon reaching the age of 45 years. Present law further provides that this provision does not apply to a person serving a life sentence unless the sentence has been commuted to a fixed term of years. Present law further provides that these provisions relative to parole eligibility do not apply to a person convicted of armed robbery or to a person convicted of a crime of violence or sex offense.

Proposed law removes the requirement that the person have reached the age of 45 years and removes the prohibition for parole consideration for persons convicted of armed robbery or other crimes of violence. Proposed law otherwise retains present law.

Present law provides that no person is eligible for parole consideration who has been convicted of armed robbery or who is serving a life sentence until his life sentence has been commuted to a fixed term of years.

Proposed law deletes present law.

Present law provides that any person serving a life sentence, with or without the benefit of parole, except a person convicted of a crime of violence or a sex offense, is eligible for parole under certain circumstances, be eligible for parole consideration if certain criteria is met, including time-served requirements, low risk level designation, good behavior, minimum pre-release programming, substance abuse treatment, GED, and job skills training.

Proposed law removes the prohibition for parole consideration under these circumstances from persons serving sentences for crimes of violence. Proposed law otherwise retains present law.

Present law provides that a person serving a life sentence for second degree murder is eligible for parole consideration if the offender has served at least 40 years of the sentence imposed.

Proposed law changes the minimum time served from 40 years to 30 years and requires that the life sentence have not been for first degree murder or first degree rape. Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:574.4(A)(1)(b)(i) and (2), (B)(1) and (B)(2)(intro para), and (H)(1))