
DIGEST

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HB 631 Reengrossed

2018 Regular Session

Hunter

Abstract: Provides that when no action is taken by the governor, a recommendation for clemency issued by the board shall not expire upon the expiration of the governor's term in office and the person seeking clemency shall not be required to reapply.

Present constitution (La. Const. Art XII, §5(E)) and present law (R.S. 15:572) provide that the governor may grant reprieves to persons convicted of offenses against the state and, upon recommendation of the Board of Pardons, may commute sentences, pardon those convicted of offenses against the state, and remit fines and forfeitures imposed for such offenses.

Present rules (LAC 22:V.205(D)(5)) adopted by the Board of Pardons provide that the board shall notify an applicant after its receipt of notification from the governor that the board's favorable recommendation for clemency was denied or no action was taken. The rules further provide that if the applicant is notified that no action was taken by the governor, the applicant may request reconsideration of the board's favorable recommendation. The applicant must submit a re-application within one year from the date on the board's notification to the applicant of no action taken by the governor.

Proposed law retains present constitution and present law and provides that when no action is taken by the governor on a recommendation for clemency issued by the board, the person seeking clemency shall not be required to reapply to the board and the recommendation shall not expire upon the expiration of the governor's term in office and may be reviewed by the next governor to take office.

In addition, proposed law requires the board to adopt rules pursuant to the Administrative Procedure Act to provide for the provisions of proposed law, but the rules shall not require the person seeking clemency to reapply when no action is taken by the governor on the board's recommendation that the person receive clemency.

(R.S. 15:572.4(E))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add that the person seeking clemency shall not be required to reapply to the Board of Pardons when no action is taken by the governor on the board's recommendation that the

person receive clemency.

2. Remove the provision which required the person seeking clemency to comply with any rules adopted by the board providing for the time period within which an applicant may reapply upon notification that no action was taken by the governor.
3. Add that the board shall adopt rules to provide for the provisions of proposed law, but provides that the rules shall not require the person seeking clemency to reapply when no action is taken by the governor on the board's recommendation.