Regular Session, 2012

HOUSE BILL NO. 84

BY REPRESENTATIVE BADON

PARDON: Repeals the governor's authority to grant pardons to persons convicted of offenses against the state and repeals statutory authority for the Board of Pardons

| 1 | 84 | AN ACT |
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| 2 | To am | nend and reenact R.S. 15:572 and to repeal R.S. 15:572.1 through 572.7, 572.9, 573, |
| 3 | | 573.1, 573.2, 574, and 574.1, relative to pardons; to repeal the authority of the |
| 4 | | governor to grant pardons; to repeal statutory authority for the Board of Pardons and |
| 5 | | provisions authorizing the issuance of pardons; to provide for first offender pardons; |
| 6 | | and to provide for related matters. |
| 7 | Be it e | enacted by the Legislature of Louisiana: |
| 8 | | Section 1. R.S. 15:572 is hereby amended and reenacted to read as follows: |
| 9 | | §572. Powers of governor to grant reprieves and pardons; automatic Automatic |
| 10 | | pardon for first offender; payment of court costs required |
| 11 | | A. The governor may grant reprieves to persons convicted of offenses |
| 12 | | against the state and, upon recommendation of the Board of Pardons as hereinafter |
| 13 | | provided for by this Part, may commute sentences, pardon those convicted of |
| 14 | | offenses against the state, and remit fines and forfeitures imposed for such offenses. |
| 15 | | Notwithstanding any provision of law to the contrary, the governor shall not grant |
| 16 | | any pardon to any person unless that person has paid all of the court costs which |
| 17 | | were imposed in connection with the conviction of the crime for which the pardon |
| 18 | | is to be issued. |

| 1 | $\mathbf{B}(1)$ A first offender never previously convicted of a felony shall be |
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| 2 | pardoned automatically upon completion of his sentence without a recommendation |
| 3 | of the Board of Pardons and without action by the governor. |
| 4 | (2) No person convicted of a sex offense as defined in R.S. 15:541 or |
| 5 | determined to be a sexually violent predator or a child predator under the provisions |
| 6 | of R.S. 15:542.1 et seq. shall be exempt from the registration requirements of R.S. |
| 7 | 15:542.1 et seq., as a result of a pardon under the provisions of this Subsection. |
| 8 | (3) Notwithstanding any provision of law to the contrary, no pardon shall be |
| 9 | issued to a first offender unless that person has paid all of the court costs which were |
| 10 | imposed in connection with the conviction of the crime for which the pardon is to be |
| 11 | issued. |
| 12 | C.B. For the purposes of this Section, "first offender" means a person |
| 13 | convicted within this state of a felony but never previously convicted of a felony |
| 14 | within this state or convicted under the laws of any other state or of the United States |
| 15 | or of any foreign government or country of a crime which, if committed in this state, |
| 16 | would have been a felony, regardless of any previous convictions for any |
| 17 | misdemeanors. Convictions in other jurisdictions which do not have counterparts in |
| 18 | this state will be classified according to the laws of the jurisdiction of conviction. |
| 19 | D. <u>C.</u> On the day that an individual completes his sentence the division of |
| 20 | probation and parole of the Department of Public Services and Corrections, after |
| 21 | satisfying itself that (1) the individual is a first offender as defined herein and (2) the |
| 22 | individual has completed his sentence shall issue a certificate recognizing and |
| 23 | proclaiming that the petitioner is fully pardoned for the offense, and that he has all |
| 24 | rights of citizenship and franchise, and shall transmit a copy of the certificate to the |
| 25 | individual and to the clerk of court in and for the parish where the conviction |
| 26 | occurred. This copy shall be filed in the record of the proceedings in which the |
| 27 | conviction was obtained. However, once an automatic pardon is granted under the |
| 28 | provisions of this Section, the individual who received such pardon shall not be |
| 29 | entitled to receive another automatic pardon. |

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

| 1 | E.D. Notwithstanding any provision herein contained to the contrary, any | |
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| 2 | person receiving a <u>first offender</u> pardon under the provisions of subparagraph(1) of | |
| 3 | Paragraph (E) of Section 5 of Article IV of the Louisiana Constitution of 1974 and | |
| 4 | this Section may be charged and punished as a second or multiple offender as | |
| 5 | provided in R.S. 15:529.1. | |
| 6 | Section 2. R.S. 15:572.1 through 572.7, 572.9, 573, 573.1, 573.2, 574, and 574.1 are | |
| 7 | hereby repealed in their entirety. | |
| 8 | Section 3. The Louisiana State Law Institute is hereby directed to delete all statutory | |
| 9 | references to the Louisiana Board of Pardons contained in Louisiana law. | |
| 10 | Section 4. This Act shall take effect and become operative if and when the proposed | |
| 11 | amendment to Article IV, Section 5(E) of the Constitution of Louisiana contained in the Act | |
| 12 | which originated as House Bill No of this 2012 Regular Session of the Legislature is | |
| 13 | adopted at a statewide election and becomes effective. | |
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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)]

Badon

HB No. 84

Abstract: Repeals statutory authority for the La. Board of Pardons and repeals provisions authorizing the issuance of pardons.

<u>Present law</u> provides for the authority of the governor to grant reprieves, commute sentences, and pardon those convicted of offenses against the state.

Present law provides for the La. Board of Pardons and provides for the membership, powers, and duties of the board. Further provides for the compensation and procedures applicable to the board.

Present law provides procedures by which certain persons may apply for a pardon, provides that sessions of the Board of Pardons are open to the public, prohibits certain forms of communication with the board, and provides for the adoption of rules.

Proposed law repeals these provisions of present law.

Present law provides for an automatic first offender pardon with a recommendation of the Board of Pardons and without action by the governor.

Proposed law retains these provisions of present law.

(Amends R.S. 15:572; Repeals R.S. 15:572.1-572.7, 572.9, 573, 573.1, 573.2, 574, and 574.1)