



1           ~~B.~~(1) A first offender never previously convicted of a felony shall be  
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           ~~E.~~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           ~~F.~~C. 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.

1            ~~E.D.~~ Notwithstanding any provision herein contained to the contrary, any  
2            person receiving a first offender 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)]

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Badon

HB No. 84

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

Present law 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)