

Regular Session, 2010

HOUSE BILL NO. 947

BY REPRESENTATIVE RICHMOND

PARDON: (Constitutional Amendment) Provides relative to the authority of the Board of Pardons to grant pardons, commute sentences, grant reprieves, and remit fines

A JOINT RESOLUTION

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Proposing to amend Article IV, Section 5(E)(introductory paragraph) and (1) of the Constitution of Louisiana, to provide that the Board of Pardons may grant reprieves, commute sentences, issue pardons, and remit fines and forfeitures, subject to veto by the governor; to provide that the recommendations of the board shall become effective twenty days after notification to the governor, unless vetoed by the governor; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article IV, Section 5(E)(introductory paragraph) and (1) of the Constitution of Louisiana, to read as follows:

§5. Governor; Powers and Duties

Section 5.

* * *

(E) Pardon, Commutation, Reprieve, and Remission; Board of Pardons; Veto by Governor.

(1) The ~~governor~~ Board of Pardons may grant reprieves to persons convicted of offenses against the state and, ~~upon favorable recommendation of the Board of~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 ~~Pardons~~, may commute sentences, pardon those convicted of offenses against the
 2 state, and remit fines and forfeitures imposed for such offenses. The governor may
 3 veto any such recommendations of the board within twenty days after receipt of the
 4 recommendations in writing. The recommendations of the board shall become
 5 effective twenty days after receipt of the recommendation by the governor, unless
 6 vetoed by the governor. However, a first offender convicted of a ~~non-violent~~
 7 nonviolent crime, or convicted of aggravated battery, second degree battery,
 8 aggravated assault, mingling harmful substances, aggravated criminal damage to
 9 property, purse snatching, extortion, or illegal use of weapons or dangerous
 10 instrumentalities never previously convicted of a felony shall be pardoned
 11 automatically upon completion of his sentence, without a recommendation of the
 12 Board of Pardons and without action by the governor.

13 * * *

14 Section 2. Be it further resolved that this proposed amendment shall be submitted
 15 to the electors of the state of Louisiana at the statewide election to be held on November 2,
 16 2010.

17 Section 3. Be it further resolved that on the official ballot to be used at said election
 18 there shall be printed a proposition, upon which the electors of the state shall be permitted
 19 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
 20 read as follows:

21 To transfer the authority to grant reprieves, commute sentences, issue
 22 pardons, and remit fines and forfeitures from the governor to the Board of
 23 Pardons; to provide that the actions of the Board of Pardons shall
 24 automatically become effective unless vetoed by the governor within twenty
 25 days of receipt. (Amends Article IV, Section 5(E)(introductory paragraph)
 26 and (1))

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)]

Richmond

HB No. 947

Abstract: Provides that the Board of Pardons may commute sentences, pardon those convicted of offenses against the state, and remit fines and forfeitures imposed for such offenses, subject to veto by the governor within 20 days after notification by the board.

Present constitution provides that the governor may grant reprieves to persons convicted of offenses against the state.

Present constitution also provides that the governor, 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.

Proposed constitutional amendment provides that the Board of Pardons shall perform these functions, subject to the authority of the governor to veto the actions of the board.

Proposed constitutional amendment provides that a favorable recommendation of the Board of Pardons to commute a sentence, pardon a person convicted of an offense against the state, or remit a fine or forfeiture imposed for such offense shall become effective 20 days after receipt of the recommendation by the governor unless vetoed.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.

(Amends Const. Art. IV, §5(E)(intro. para.) and (1))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill.

1. Made technical corrections to the ballot language only.