

Regular Session, 2010

SENATE BILL NO. 621

BY SENATOR MARTINY

PROBATION/PAROLE. Provides for parole eligibility. (8/15/10)

1 AN ACT

2 To enact R.S. 15:574.4(A)(4), relative to parole eligibility; to provide for eligibility for
3 parole consideration for certain offenders sentenced as a habitual offender; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:574.4(A)(4) is hereby enacted to read as follows:

7 §574.4. Parole; eligibility; consideration and hearings; decisions of board; nature,
8 order, and conditions; rules of conduct; offenders convicted of crimes
9 of violence; infectious disease testing

10 A. * * *

11 **(4) A person who is imprisoned for the remainder of his natural life,**
12 **without benefit of parole, probation, or suspension of sentence pursuant to R.S.**
13 **15:529.1 shall be eligible for parole consideration upon serving at least fifteen**
14 **years of the life sentence in actual custody and upon reaching the age of forty-**
15 **five, provided all of the following conditions are met:**

16 **(a) The offender has not been convicted of a crime of violence as defined**
17 **in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or convicted of an**

1 **offense which would constitute a crime of violence as defined in R.S. 14:2(B) or**
 2 **a sex offense as defined in R.S. 15:541, regardless of the date of conviction.**

3 **(b) The offender has not committed any disciplinary offenses in the**
 4 **twelve consecutive months prior to the parole eligibility date.**

5 **(c) The offender has completed the mandatory minimum of one hundred**
 6 **hours of pre-release programming in accordance with R.S. 15:827.1.**

7 **(d) The offender has completed substance abuse treatment as applicable.**

8 **(e) The offender has obtained a GED credential, unless the offender has**
 9 **previously obtained a high school diploma or is deemed by a certified educator**
 10 **as being incapable of obtaining a GED credential due to a learning disability.**

11 **If the offender is deemed incapable of obtaining a GED credential, the offender**
 12 **must complete at least one of the following: a literacy program, an adult basic**
 13 **education program, or a job skills training program.**

14 **(f) The offender has obtained a low-risk level designation determined by**
 15 **a validated risk assessment instrument approved by the secretary of the**
 16 **Department of Public Safety and Corrections.**

17 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Martiny (SB 621)

Present law provides for eligibility for parole consideration for certain offenders.

Proposed law retains present law and provides that a person who is imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence pursuant to the Habitual Offender Law shall be eligible for parole consideration upon serving at least 15 years of the life sentence in actual custody and upon reaching the age of 45 provided all of the following conditions are met:

- (1) The offender has not been convicted of a crime of violence or a sex offense, or convicted of an offense which would constitute a crime of violence or a sex offense, regardless of the date of conviction.
- (2) The offender has not committed any disciplinary offenses in the 12 consecutive months prior to the parole eligibility date.
- (3) The offender has completed the mandatory minimum of 100 hours of pre-release programming.

- (4) The offender has completed substance abuse treatment as applicable.
- (5) The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED credential due to a learning disability. If the offender is deemed incapable of obtaining a GED credential, the offender must complete at least one of the following: a literacy program, an adult basic education program, or a job skills training program.
- (6) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the DPS&C.

Effective August 15, 2010.

(Adds R.S. 15:574.4(A)(4))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

1. Adds to criteria to determine whether certain offenders will be eligible for parole consideration.