

Regular Session, 2009

HOUSE BILL NO. 630

BY REPRESENTATIVES HONEY, RICHMOND, AND LEGER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/SENTENCING: Amends penalty provisions for persons serving a life sentence for controlled dangerous substances violations involving heroin

1 AN ACT

2 To enact R.S. 15:574.4(A)(4) and R.S. 40:966(H), relative to parole eligibility; to provide
3 with respect to eligibility for parole consideration for certain offenders convicted of
4 certain controlled dangerous substances violations involving heroin; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. The legislature hereby finds that the provisions of Act No. 403 of the
8 2001 Regular Session of the Legislature provided for more lenient penalty provisions for
9 certain enumerated crimes and that these penalty provisions were to be applied
10 prospectively. Those penalties changed for the production, manufacturing, distribution, or
11 dispensing or possessing with intent to produce, manufacture, or distribute heroin from life
12 imprisonment to imprisonment for not less than five nor more than fifty years at hard labor,
13 at least five years of which shall be served without benefit of probation or suspension of
14 sentence. There are many individuals who were convicted of these offenses who have been
15 incarcerated for periods greater than the minimum mandatory sentences which are in current
16 law and are not eligible for parole consideration. While balancing the needs of the criminal
17 justice system with changes which have been made to the penalty provisions now in effect,
18 the legislature finds that it is in the interest of fairness that such individuals who have been
19 incarcerated for many years for crimes involving heroin should be entitled to be considered
20 for parole.

1 Section 2. R.S. 15:574.4(A)(4) is hereby enacted to read as follows:

2 §574.4. Parole; eligibility; consideration and hearings; decisions of board; nature,
3 order, and conditions; rules of conduct; offenders convicted of crimes of
4 violence; infectious disease testing

5 A.

6 * * *

7 (4) Notwithstanding the provisions of Paragraph (A)(1) or (2) of this Section
8 or any other provision of law to the contrary, unless eligible for parole at an earlier
9 date, a person committed to the Department of Public Safety and Corrections serving
10 a life sentence for the production, manufacturing, distribution, or dispensing or
11 possessing with intent to produce, manufacture, or distribute heroin shall be eligible
12 for parole consideration upon serving at least fifteen years of imprisonment in actual
13 custody.

14 * * *

15 Section 3. R.S. 40:966(H) is hereby enacted to read as follows:

16 §966. Penalty for distribution or possession with intent to distribute narcotic drugs
17 listed in Schedule I; possession of marijuana

18 * * *

19 H. Notwithstanding any other provision of law to the contrary, unless
20 eligible for parole at an earlier date, a person committed to the Department of Public
21 Safety and Corrections serving a life sentence for the production, manufacturing,
22 distribution, or dispensing or possessing with intent to produce, manufacture, or
23 distribute heroin shall be eligible for parole consideration upon serving at least
24 fifteen years of imprisonment in actual custody.

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)]

Honey

HB No. 630

Abstract: Provides for parole consideration for prisoners currently serving a sentence for the manufacture, distribution, or possession of heroin.

Present law provides that any person who violates certain heroin-related crimes shall be sentenced to imprisonment, at hard labor, for not less than five nor more than 50 years, at least five years of which shall be served without benefit of probation or suspension of sentence, and may, in addition, be required to pay a fine of not more than \$50,000.

Proposed law provides that unless eligible for parole at an earlier date, a person committed to DPS&C serving a life sentence for the production, manufacturing, distribution, or dispensing or possessing with intent to produce, manufacture, or distribute heroin shall be eligible for parole consideration upon serving at least 15 years of imprisonment in actual custody.

(Adds R.S. 15:574.4(A)(4) and R.S. 40:966(H))