



**LOUISIANA
COMMITTEE ON PAROLE**

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COMMITTEE POLICY

SUBJECT: PAROLE ELIGIBILITY AND TYPES OF PAROLE

PURPOSE: To establish that the Board of Pardons, Committee on Parole has no authority in determining when an offender is eligible for parole consideration.

AUTHORITY: LAC Title XX, Part XI, Chapter 3; La. R.S. 15:574.2

POLICY:

The Committee on Parole (Committee) has no authority in determining when an offender is eligible for parole. The Department of Public Safety & Corrections (DPS&C) calculates parole eligibility dates for all offenders, except those on death row or in other specific cases. The percentage of a sentence that must be served to reach eligibility varies according to the nature of the offense and as specified by statute.

PROCEDURES:

A. General

The authority for determining parole eligibility dates, offender class, good time release dates and full term dates will be the official master prison record computed by the DPS&C. The Committee will accept changes in the offender class and parole eligibility dates when recommended by the Division of Probation and Parole and verified by the records custodian. No offender may be paroled while there is pending against him any indictment or bill of information for any crimes suspected of having been committed by him while a prisoner.

B. Types of Parole

1. Regular Parole

- A. An offender's eligibility for parole is specified by Louisiana law. Parole eligibility is generally based on the nature of the offense, offender class, and length of time served. Not all offenders are eligible for parole consideration. Parole eligibility is determined and calculated by the DPS&C.
- B. Generally within six months prior to an offender's parole eligibility date, all pertinent information will be compiled concerning the offender's case, including but not limited to:

1. the nature and circumstances of the offense;
 2. prison records;
 3. the presentence investigation report;
 4. the pre-parole report including recommendations from the Division of Probation and Parole; and
 5. any other information (including correspondence), reports, or data as may be generated.
- C. If appropriate, a public hearing shall be scheduled to consider the offender's suitability or release on parole supervision.
- D. The Committee will generally not schedule a parole hearing or rehearing when there is less than 90 days between the parole eligibility date and the diminution of sentence/parole supervision release date (good time date). A hearing will not be held if the pre-parole report has not been received by the Committee from the Division of Probation and Parole or if the victim has not been notified prior to the scheduled public hearing.
1. However, if the pre-parole investigation is received by the Committee on Parole and it is noted that the offender's dates have changed because of earned good time credits, the parole hearing may be scheduled even though the parole eligibility date is less than 90 days from the good time release date. Staff responsible for scheduling and docketing shall exercise good judgment in making this determination.
- E. In the event an offender chooses to withdraw from parole consideration, he may reapply for a hearing in accordance with Board Policy, "07-705, "Application for Parole Rehearing."
- F. Parole hearings may be held at any time during the six months prior to the parole eligibility date.
- G. No offender who is the parent, stepparent, or has legal and physical custody of a child who is the victim, shall be released on parole unless the victim has received psychological counseling prior to the offender's release if the offender is returning to the residence or community in which the child resides. [See R.S. 15:574.4(H)(5)]

2. Medical Parole

- A. An offender determined by the Secretary of the DPS&C to be *permanently disabled* or *terminally ill* may be eligible for release consideration
1. Upon referral by the DPS&C, the Committee may schedule the offender for a hearing medical parole consideration.
 2. Offenders who are serving a sentence for first or second degree murder, who are awaiting execution, or who have a contagious disease are not eligible.
- B. *Permanently disabled offender* means any offender who is unable to engage in any substantial gainful activity by reason of any medically determinable physical impairment which can be expected to result in death or which is or can be expected to be permanently irreversible.
- C. *Terminally ill offender* means any offender who, because of an existing medical condition, is irreversibly terminally ill. For the purposes of this policy, "terminally ill" is defined as having a life expectancy of less than one year due to an underlying medical condition.
- D. Public hearings for medical parole consideration will be held at a location convenient to the Committee and the offender. The Committee may request that additional medical information be provided or that further medical examinations be conducted. The Committee shall determine the risk to public safety and shall grant parole only after determining that the offender does not pose a risk to public safety. In the assessment of risk, emphasis shall be given to the offender's medical condition and how this relates to his overall risk to society.
- E. The authority to grant medical parole shall rest solely with the Committee.
1. The Committee shall not grant medical parole unless determined by the Secretary of DPS&C or his designated Health Care Authority that the offender is permanently disabled or terminally ill.
 2. The Committee, if it grants medical parole, may establish any additional conditions of medical parole as it may deem necessary to monitor the offender's physical condition and to assure that the offender is not a danger to himself and society.

- F. Supervision of an offender released on medical parole shall consist of periodic medical evaluations at intervals to be determined by the Committee at the time of release.
1. An offender released on medical parole may have his parole revoked if his medical condition improves to such a degree that he is no longer eligible for medical parole.
 2. Medical parole may also be revoked for violation of any condition of parole as established by the Committee.

SHERYL M. RANATZA, CHAIRMAN

**Signature on file*