



**LOUISIANA
BOARD OF PARDONS & PAROLE**

**Number: 07-705-POL
Date: August 7, 2023
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BOARD POLICY

SUBJECT: APPLICATION FOR REHEARING; REQUEST FOR RECONSIDERATION OF DECISION

PURPOSE: To establish procedures for requests for parole rehearing when an offender has previously been denied parole or revoked.

AUTHORITY: LAC Title 22, Part XI, Chapter 7; La. R.S. 15:574.2

REFERENCES: Board Policy, 07-701-POL, "Parole Decisions", ACA Standards 2-1083, 2-1086, 2-1096, 2-1122, 2-1125

POLICY:
If an offender is denied parole at his initial parole hearing or revoked by the Committee on Parole, the offender may reapply for a rehearing in accordance with this policy. An offender may also request reconsideration of the parole decision within 21 days of the parole hearing date in accordance with this policy.

PROCEDURE:

I. REHEARING

- A. If denied at the initial parole hearing, an offender must apply in writing for a subsequent parole hearing, referred to as a "parole rehearing". The written request must be submitted by the offender or his attorney.
- B. Application for a parole rehearing will be allowed only under the following conditions.
 - 1) The offender must not have had a major (Schedule B) disciplinary report in the six months prior to the reapplication request;
 - 2) The offender must not have been in disciplinary lockdown status for a period of six consecutive months prior to the reapplication request.
 - 3) If both criteria in 1 and 2 above are met, an offender may apply to the board for a rehearing at the following intervals:

Type of Crime	Request for Rehearing
Nonviolent, except as otherwise restricted	6 mos after date of most recent denial
Crime of Violence enumerated in R.S. 14:2(B)	Every 2 yrs after date of most recent denial
Crime Against Person enumerated in R.S. 14:29-47	Every 2 yrs after date of most recent denial
Sex Offense as defined in La. Revised Statutes	Every 2 yrs after date of most recent denial
Murder, 1st or 2nd degree	Every 2 yrs after date of most recent denial
Manslaughter	Every 2 yrs after date of most recent denial

II. PAROLE VIOLATORS/REVOCATIONS

Parole violators whose parole has been revoked may request a rehearing one year from the date of revocation. If the request for a rehearing is denied on the initial request, the offender may re-apply every two years after the date of the initial re-application.

III. RECONSIDERATION

- A.** An offender may request that the Committee reconsider its decision to deny parole as outlined herein. However, this process does not establish a formal appeal process as parole is an administrative discretionary decision that is not subject to appeal.
- 1) A parole panel may reconsider a decision of any parole panel at the request of the Board Chairman.
 - 2) An offender whose parole is denied or rescinded, or whose parole supervision is revoked may request reconsideration by the Committee.
 - a. The request for reconsideration shall be made in writing by the offender (or the offender's authorized legal representative) and shall be postmarked no later than twenty-one (21) calendar days from the date of hearing during which parole panel action was taken.
 - b. If the request for reconsideration is not postmarked within twenty-one (21) calendar days, it shall be denied.
 - c. Reconsideration review shall be at the discretion of the Committee, and shall not be available except for the following reasons:
 - i. If there is an allegation of misconduct by a Committee member that is substantiated by the record;
 - ii. If there is a significant procedural error by a Committee member; or
 - iii. If there is significant new evidence that was not available when the hearing was conducted. A request based on the availability of new evidence or information shall be accompanied by adequate documentation.

- d. A request based on an allegation of misconduct or significant procedural error shall clearly indicate the specific misconduct or procedural error being alleged.
- e. A written request for reconsideration postmarked within the time period set forth in Subsection A.2.a. of this policy shall be screened by the Board Chairman or designee to determine whether the request for reconsideration raises substantial grounds to believe that one or more of the reasons for reconsideration set forth in Subsection A.2.c. of this policy may be present. The request for reconsideration shall be denied by the Chairman or designee, if in his or her discretion, it is determined that the request does not raise adequate grounds to believe that one or more of the reasons for reconsideration set forth in Subsection A.2.c. of this policy are present.

8-If the Chairman or designee determines upon screening that a request for reconsideration raises adequate grounds to believe that one or more of the reasons for reconsideration set forth in A.2.c. of this policy may be present:

- a. The case shall be set for administrative review at the next available parole panel hearing date. The review shall be conducted from the record of the first hearing. The appearance of the offender shall not be necessary.
- b. The reviewing panel may vote to:
 - i. Grant a new parole hearing and staff will make every attempt to schedule the hearing with a different parole panel than that which rendered the original decision; or
 - ii. Affirm the original decision.
- c. The applicant shall be advised, in writing, of the results of the review.

9-If the chairman or designee determine there is no basis to grant the request for reconsideration, the applicant will be advised in writing.

IV. DISCIPLINARY REMOVALS

- 1) If the Offender has one or more major (Schedule B) Disciplinary Report(s) in the twelve months prior to their parole eligibility date, they will generally not be considered a good risk for early release and will, therefore, not be given parole consideration until such time as the offender has been disciplinary report free for twelve consecutive months. Offenders may be removed from a parole docket if they receive a Schedule B Disciplinary Report during the investigation period. The offender will be notified if they are not considered for placement on or removed from a docket.
 - a. The offender may request reconsideration of this decision in writing in accordance with the process outlined in this policy. Such request must include any mitigating factors that the offender wishes be considered during the review process.

- b. The offender is responsible for notifying the Board in writing when they are disciplinary report free for twelve consecutive months to be reconsidered for scheduling.

SHERYL M. RANATZA, CHAIRMAN

**Signature on file*

This policy replaces and supersedes Board Policy, 07-705-POL, “Application for Rehearing; Request for Reconsideration of Decision” dated March 20, 2021.