



**LOUISIANA  
BOARD OF PARDONS AND PAROLE  
BOARD POLICY**

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**SUBJECT: PAROLE CONSIDERATION FOR YOUTH OFFENDERS**

**REFERENCES:** *Miller v. Alabama* 567 U.S. \_\_ (2012); *Montgomery v. Louisiana* 557 U.S. \_\_ (2016); Act 239 of 2013; and Louisiana R.S. 15:574.4(E)

**AUTHORITY:** LAC Title 22, Part V and Part XI

**PURPOSE:**

To establish a parole consideration mechanism that provides a person serving a sentence for crimes that he or she committed as a juvenile the opportunity to be considered for parole release when he or she has shown that he or she has been rehabilitated and gained maturity, in accordance with the decisions for the United States Supreme Court in *Miller v. Alabama* (2012) and subsequent cases.

**POLICY:**

It is the policy of the Louisiana Board of Pardons and Parole to consider offenders for parole who were sentenced to Life imprisonment for a homicide committed when the offender was under the age of 18, in accordance with procedures set forth in this policy. In doing so, the Board must consider the unique circumstances of each juvenile offender. It is the intent of the Board to create a meaningful opportunity for release.

**PROCEDURES:**

- A. Juvenile offenders sentenced prior to Act 239 of 2013 shall be considered for parole once all of the following conditions are met:
1. The offender has served thirty-five years of the sentence imposed.
  2. The offender has not had any major (Schedule B) disciplinary offenses in the twelve consecutive months prior to the parole hearing.
  3. The offender has completed one hundred hours of prerelease programming in accordance with R.S. 15:827.1.
  4. The offender has completed substance abuse programming as applicable.

5. The offender has obtained a HSE certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a HSE certification due to a learning disability. If the offender is deemed incapable of obtaining a HSE certification, the offender must have completed at least one of the following:
    - a. a literacy program
    - b. an adult basic education program
    - c. a job skills training program
  6. The offender has obtained a low-risk level designation by a validated risk assessment instrument approved by the Secretary of the Department of Public Safety & Corrections.
- B. For each offender eligible for parole consideration, the parole panel shall give great weight to the fact that youth are less responsible than adults for their actions. At a minimum the parole panel shall consider mitigating factors for offenders sentenced before the age of 18:
1. The age and life circumstances of the offender as of the date of the commission of the crime;
  2. the hallmark features of youth at the time of commission of the crime, including but not limited to, diminished understanding of risks and consequences, diminished ability to resist peer pressure, and diminished ability to control surroundings;
  3. whether the offender has demonstrated remorse, growth, and increased maturity since the date of the commission of the crime;
  4. the offender's contributions to the welfare of other persons through service;
  5. when appropriate, the offender's efforts to overcome substance abuse, addiction, or trauma;
  6. lack of education or obstacles that the offender may have faced as an adolescent in the adult correctional system;
  7. the overall degree of the offender's rehabilitation considering the offender's age and life circumstances at the time of the crime, the nature of circumstances of the offender's involvement in the crime, and the offender's opportunities for rehabilitation while incarcerated.
- C. The panel shall consider a current mental health evaluation of the offender regarding the offender's background and current functioning, especially in regards to factors identified by

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the U.S. Supreme Court in *Miller v. Alabama* as important considerations in the sentencing of adolescents.

- D. To deny parole, the parole panel must determine that the need for continued incarceration of the offender outweighs the benefits to the offender and society that would result from the offender's release to the community.
- E. Each parole panel member must articulate the basis of their individual decision in both orally and in writing.

**SHERYL M. RANATZA, CHAIR**

*\*Signature on file*