

Are Louisiana's longest prison terms out of step with other Southern states?

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Lengthy prison terms are a primary driver of Louisiana's highest-in-the-nation imprisonment rate. Roughly 7,000 prisoners in Louisiana have already spent more than 10 years behind bars, an increase of more than 50% in the last decade.

To address these longest-serving inmates, the Justice Reinvestment Task Force recommended changes to bring Louisiana's laws in line with general practices across the South.

How soon is release possibleⁱ for less serious violent crimes?

Current law in Louisiana: 75%

General practice in the South:

≤50% of time served

Georgia: 33%ⁱⁱ

Mississippi: 50%ⁱⁱⁱ

South Carolina: 33% or mandatory min^{iv}

Texas: 50%^v

Task Force recommendation: 55%

How soon is release possible^{vi} for 2nd degree or non-capital murder?

Current law in Louisiana:
No opportunity for release—mandatory life without parole

General practice in the South:

30 years

Georgia: 30 years^{vii}

Mississippi: 20 years^{viii}

South Carolina: 30 years^{ix}

Texas: 1/2 of sentence (5-99 yrs) or 30 years, whichever is less^x

Task Force recommendation: Parole consideration at 30 years

How do habitual offender penalties work in other states?

General practice in the South:

Less punitive than LA

Louisiana: mandatory prison | **Georgia:** prison not required for less-serious crimes^{xi}

Louisiana: max penalty increased 2-3x | **Mississippi:** max penalty stays the same^{xii}

Louisiana: no felonies excluded | **South Carolina:** non-serious felonies excluded^{xiii}

Louisiana: life for anyone with 3 priors | **Texas:** life only for violent or serious crimes^{xiv}

Task Force recommendation: Exclude less-serious felonies

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ⁱEarliest release possible for violent felonies, excluding the most serious crimes, when taking into account parole or good time eligibility.

ⁱⁱGeorgia Code § 42-9-45(b). An inmate serving a felony sentence is eligible for parole consideration after the expiration of one-third of the sentence. Exceptions for the most serious violent crimes. See also Georgia State Board of Pardons and Paroles, Pardon/Parole Consideration and Guidelines.

ⁱⁱⁱMississippi Code § 47-7-3.2. No person convicted of a crime of violence shall be released by the department until he or she has served no less than fifty percent of a sentence.

^{iv}South Carolina Code Ann. §§ 16-1-10, 24-13-150, 24-21-610. The Parole Board may parole a prisoner sentenced for a Class D, E, or F violent felony if they have served one-third of the sentence or the mandatory minimum term, whichever is longer.

^vTexas Government Code § 508.145. Inmates serving a sentence for certain violent crimes not eligible for parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less. Inmates serving a sentence for other crimes eligible for release on parole when the inmate's actual calendar time served plus good conduct time equals one-fourth of the sentence or 15 years, whichever is less.

^{vi}Earliest release possible for 2nd degree or non-capital murder when taking into account available sentencing range and parole eligibility.

^{vii}Georgia Code §§ 16-5-1, 17-10-6.1. Inmates sentenced to life for murder or felony murder are eligible for parole after serving 30 years.

^{viii}Mississippi Code § 97-3-21. Second degree murder punishable by life or 20-40 years.

^{ix}South Carolina Code Ann. §16-3-20. A person convicted of murder can be punished by death, life imprisonment, or a term of imprisonment from 30 years to life without eligibility for parole.

^xTexas Penal Code §§ 19.02, 12.32; Texas Government Code § 508.145. Murder is a first degree felony that can be sentenced to life imprisonment or a term of 5-99 years. A life sentence or fixed term sentence for murder is eligible for release after serving 30 years or one-half of the sentence.

^{xi}Georgia Code § 17-10-7. Repeat offenders shall be sentenced to the longest period of time prescribed for the punishment of the subsequent offense, but the judge may probate or suspend the maximum sentence.

^{xii}Mississippi Code § 99-19-81. Habitual criminals shall be sentenced to the maximum term of imprisonment prescribed for such felony.

^{xiii}South Carolina Code Ann. § 17-25-45. Habitual offender penalty enhancements restricted to those with one or more prior convictions for a "most serious offense" or two or more prior convictions for a "serious offense". Less serious felonies are excluded.

^{xiv}Tex. Penal Code §§ 12.42, 12.425. Penalty enhancements for repeat and habitual felony offenders are scaled based on the degree of the most recent felony. Life sentences are only available for habitual offenders who have been convicted of a first degree felony or other specified serious crime.