



From Chains to Change

# VOTE's Top 15 Legislative Priorities, What they Mean, and Why they Matter

## 1. **HB 454: Protect voting rights** for people sentenced to probation.

*Why it matters:* Thanks to Act 636, effective March 2019, more people with convictions are able to vote than ever before. However, since the law went into effect, there have been many roadblocks to registering a large number of newly eligible voters. This bill will knock down those barriers, simplify the process for the Department of Corrections, Secretary of State, and Registrars Offices, and start voting suspensions after incarceration- and leaving alone people sentenced to probation, who currently have to 're-register' even though they technically never lose their right to vote.

## 2. **HB 380: Require disclosure of collateral consequences** in a guilty plea before the deal is made.

*Why it matters:* Approximately 95% of people on probation and in prison pled guilty, waiving several constitutional rights (i.e. the right to a jury trial, right to cross examine witnesses). However, there are many additional consequences that accompany a conviction that aren't explained in court. This bill would require attorneys and judges to disclose other waivers of constitutional rights (voting, bear arms, equal protection) and create a discretionary advisory on how a conviction impacts access to housing, employment, and higher education.

### *Key terms:*

- **Collateral consequences:** Sanctions, restrictions, or disqualifications that accompany a criminal record (e.g., barriers to voting, sitting on juries, finding jobs, obtaining safe and affordable housing).
- **Constitutional rights:** Rights all American citizens are born with, as stated in the U.S. Constitution. Often refers specifically to the Bill of Rights (aka the first ten amendments).
- **Plea bargain:** Negotiation a person charged with a crime and the prosecutor, in which the person charged agrees to plead "guilty" or "no contest" to some crimes. In return, they receive an agreed upon punishment. Under law, the guilty plea must be "knowing" and "voluntary."

## 3. **HB 541: Grant parole eligibility** for people serving life sentences.

*Why it matters:* Louisiana currently holds close to 9,000 people who have been sentenced to 30 years or more behind bars. Most of those people will never be eligible for parole consideration. We know that extremely long incarceration periods are counter-productive, expensive and inhumane. This bill extends parole eligibility to people serving life sentences at 30 years, and to those serving fixed, long-term sentences at 20 years. This bill only applies to parole *eligibility*; people who meet a basic standard criteria will be eligible to appear before a parole board to have their case for freedom considered, it does not guarantee parole.

#### 4. **HB 339: Reduce wait for parole eligibility**, and ‘Good Time’ credits on second offenses.

*Why it matters:* In order to drastically reduce our prison population, we need to give more people second chances. This bill reduces the time incarcerated people have to wait before going to the parole board to be considered for release. Currently, all incarcerated people convicted after 2017 are able to earn good time credit, but this law doesn’t apply to the majority of people in prison. This bill would extend the 2017 good time laws to those convicted before 2017.

##### *Key terms:*

- **Retroactivity:** Usually when a law is passed it only applies to cases decided in the future. When a law is made retroactive, it applies to all people, regardless of when they were convicted.
- **“Good time”:** Reduces the time someone is incarcerated as a reward for time working, or taking programs, without infractions. Currently, people can choose between pay or Good Time.

#### 5. **HB 643: Cap parole at five years** for all convictions moving forward.

*Why it matters:* Currently, people with long sentences can be free from incarceration, but remain on parole for the rest of their lives. On parole, FIP are under constant supervision, and subject to paying high fines and fees. Research shows that if someone does not commit another crime within their first five years out of prison, the likelihood that they will ever commit another crime is extremely low. Being under supervision can intensify the challenges that accompany post-incarceration life. This bill would automatically terminate peoples’ parole after five years, but will not impact pre-existing parole terms.

#### 6. **HB 535: Align consequence to culpability** for those deemed accomplices or accessories. The less one was involved in a crime, the less their punishment.

*Why it matters:* Currently, all persons involved in a crime--whether they directly commit the act, aid in its commission, or directly or indirectly counsel another to commit the crime--are considered “principal” actors and given the same sentence. This bill would require individual consideration before sentencing. In other words, it would align consequences with the level of involvement in the crime, rather than giving everyone present the same sentence.

##### *Key terms:*

- **Accomplice / Accessory:** A person who participates in the commission of a crime, even if they take no part in the actual offense. Louisiana considers accomplices “principals” because the law currently sees them as having a hand in the commission of the crime, or if they’re informed after the fact, they’re “knowingly” assisting in helping others avoid criminal proceedings.
- **Culpability:** Responsibility.

#### 7. **HB 625 and SB 107: End prison gerrymandering**, which uses incarcerated people to bulk up the political power of prison districts.

*Why it matters:* Prison-based gerrymandering refers to how the Census Bureau counts incarcerated people as residents of the towns where they are incarcerated, though they are barred from voting in 48 states and return to their homes after being released. This is a big problem because politicians running for office in the areas where there are prisons know they won’t have to win votes from incarcerated people there, and therefore

don't have to address their needs and wants. Some local districts choose to exclude the prison, while others do not. This bill would end this practice in time for redistricting.

*Key terms:*

- **Gerrymandering:** Practice used to create an unfair political advantage for one party or group by manipulating district boundaries.
- **Prison gerrymandering:** Practice where states and/or local governments draw district lines and count incarcerated people as residents of where they are incarcerated, rather than residents of their hometown. This gives the impression that the population count in a given prison district is higher and thus increases the political influence where those prisons and jails are located.

**8. HB 424: Prohibit doctors with restricted licenses from practicing in prisons,** and with children, elderly, or disabled people, if the suspension is relevant to their job.

*Why it matters:* Doctors who have suspended or restricted licenses are banned from practicing medicine in most Louisiana facilities, but they are allowed to practice in prisons. As a result, there have been many instances of medical malpractice in prisons across the state, with no recourse. We believe that incarcerated people deserve access to safe healthcare, and the laws that govern the rest of the state should apply to prisons as well.

**9. HB 364: Stop creating excessive, mandatory sentences** based on old and less serious offenses.

*Why it matters:* The Habitual Offender law makes it easy for judges to give people longer sentences simply because they have one or more previous charges. This leads to too many people spending far too long in prison. In other words, there's an imbalance between the severity of the crime and the harshness of the punishment, and that is especially true when the offenses were nonviolent. This bill will reduce the detrimental impact of this law.

**10. Mandate fair chance in hiring** by giving people with and without felony convictions the same opportunity for securing a job.

*Why it matters:* Employers often require applicants to check a "box" if they have ever been convicted of a felony. Due to the stigma associated with having a conviction, this is a huge barrier to employment and reduces the likelihood of getting a job after incarceration. This bill would reduce the amount of barriers workers with convictions must overcome.

*Key terms:*

- **The Box:** A question often seen on employment, housing, and higher education applications that asks the applicant if they have ever been convicted of a felony, and if so, to explain.

**11. HB 344: Ban the use of solitary confinement** for mothers and those with serious mental health conditions.

*Why it matters:* The United Nations defines any more than 15 consecutive days of solitary confinement as torture. Yet in Louisiana, there are people who have been sitting in a six-by-nine foot cell for 23 hours a day for more than 40 years. This is horrific treatment for anyone, but takes an especially negative toll on expectant and new mothers, as well as those with serious mental health conditions. This bill would ban the use of solitary for these two groups of people.

**12. [HB 149](#): Reduce wait times for pardon applications after a denial.**

*Why it matters:* Under current Louisiana law, someone who is sentenced to life in prison must wait 15 years before applying for a pardon or commutation of sentence. If they are denied, they must wait five years before reapplication. This is an unnecessarily long period of time, and prevents justice in the case of a wrongful conviction. This bill lessens that wait period to a more humane two years.

**13. [HB 241](#) and [SB 220](#): Remove the limit on number of expungements a person can receive at once, and **expand opportunities** for expungements.**

*Why it matters:* Many people are convicted of multiple crimes, however under the current Louisiana law, only one crime can be expunged at a time. That means that even if someone is known to be innocent on multiple offenses, their criminal record cannot be cleared all at once. People living with a criminal record face heightened discrimination, especially while looking for employment and stable housing. HB 241 removes the limit on the number of expungements a person can receive at one time. SB 220 expands eligibility, and reduces wait times for those already eligible.

**14. [HB 570](#): Increase compensation to wrongfully convicted people.**

*Why it matters:* There are countless barriers to re-entry for people coming home from prison, and many are financial. Wrongfully convicted people have often spent most of their adult lives in prison, instead of on the outside working and saving money. The state currently pays exonerates \$25,000 per year of incarceration, capped at 10 years. We know that \$25,000 is not a livable wage. This bill increases the annual compensation to people who were exonerated to \$40,000, and removes the 10-year cap on those payments. Considering that for many Exonerates, the state had previously budgeted to keep them in prison for life, they should at least be entitled to that incarceration budget.

**15. [HB 556](#) and [SB 326](#): Eliminate court fines and fees for people who can't pay.**

*Why it matters:* The criminal justice system punishes people through fines and fees, which account for less than 10% of its overall operating costs. Most people convicted of a crime have fees associated with their convictions. The result is that the courts fine the poorest people in our communities, who are also the most heavily policed and subject to arrest. These two bills eliminate court fines and fees for juveniles and adults who can't afford to pay.