



**LOUISIANA BOARD OF PARDONS
AND COMMITTEE ON PAROLE**

**Number: 07-705-POL
Date: September 20, 2024
Page: 1 of 3**

BOARD POLICY

- SUBJECT:** APPLICATION FOR REHEARING; REQUEST FOR RECONSIDERATION OF DECISION
- PURPOSE:** To establish procedures for requests for parole rehearing when an inmate has previously been denied parole or revoked.
- AUTHORITY:** LAC Title 22, Part XI, Chapter 7; La. R.S. 15:574.2
- REFERENCE:** Board Policy, 07-701-POL, "Parole Decisions"; ACA Standards, 2-1083, 2-1086, 2-1086-1, 2-1096, 2-1122, and 2-1125

POLICY:

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

PROCEDURES:

A. REHEARING

1. If denied at the initial parole hearing, an inmate must apply in writing for a subsequent parole hearing, referred to as a "parole rehearing." The inmate or his attorney must submit the written request.
2. Application for a parole rehearing will be allowed only under the following conditions:
 - a. The inmate must not have had a major (schedule B) disciplinary report in the 36 months prior to the reapplication request; and
 - b. The inmate must not have been in disciplinary lockdown status for six consecutive months prior to the reapplication request.

3. An inmate may apply for a rehearing at the following intervals:

Type of Crime	Request for Rehearing
Nonviolent, except as otherwise restricted	12 months after the date of the most recent denial
1st offense Crime of Violence [R.S. 14:2(B)] that is NOT First Degree Murder, Second Degree Murder, First Degree Rape, Second Degree Rape, Third Degree Rape, or Crime Against Nature [R.S. 14:89(A)(2)]	3 years after the date of the most recent denial
2nd or subsequent Crime of Violence [R.S. 14:2(B)] or Sex Offense (R.S. 15:541)	5 years after the date of the most recent denial

4. An inmate whose parole has been denied on multiple occasions must be scheduled for a rehearing no later than ten years from the most recent denial, regardless of whether a written request has been submitted.
5. A rehearing does not establish an expectation that an inmate is likely to be granted parole.

B. PAROLE VIOLATORS/REVOCATIONS

Parole violators whose parole has been revoked may request a rehearing one year from the revocation date. The parole violation will be considered in the context of the inmate's total history when considering re-parole.

C. RECONSIDERATION

1. An inmate 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.
- a. A parole panel may reconsider a decision of any parole panel at the request of the Board Chairman.
 - b. An inmate whose parole is denied or rescinded or whose parole supervision is revoked may request reconsideration by the Committee.
 - c. The request for reconsideration shall be made in writing by the inmate (or the inmate's authorized legal representative). It shall be postmarked no later than 21 calendar days from the date of the hearing during which parole panel action was taken.
 - d. If the request for reconsideration is not postmarked within 21 calendar days, it shall be denied. Reconsideration review shall be at the discretion of the Committee and shall not be available except for the following reasons:
 - If there is an allegation of misconduct by a Committee member that is substantiated by the record;
 - If there is a significant procedural error by a Committee member or

- 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.
 - A request based on an allegation of misconduct or significant procedural error shall clearly indicate the alleged misconduct or procedural error.
 - A written request for reconsideration postmarked within the time period outlined 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 outlined 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 outlined in Subsection A.2.c. of this policy are present.
2. 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 outlined in C.1.d. 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 inmate shall not be necessary.
 - b. The reviewing panel may vote to grant a new parole hearing (staff will make every attempt to schedule the hearing with a parole panel different from that which rendered the original decision) or affirm the original decision.
 3. If the chairman or designee determines there is no basis to grant the request for reconsideration, the applicant will be advised in writing.

D. DISCIPLINARY REMOVALS

1. If the inmate has any disciplinary report(s) in the 36 months prior to their parole eligibility date, they will not be given parole consideration until they have been disciplinary report-free for 36 consecutive months. Inmates shall be removed from a parole docket if they receive a Schedule B Disciplinary Report during the investigation period. The inmate will be notified if they are not considered for placement on or removed from a docket.
2. The inmate is responsible for notifying the Board in writing when they are disciplinary report-free for 36 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 August 14, 2023.