

## RÉSUMÉ DIGEST

ACT 450 (HB 223)

2022 Regular Session

Marcelle

Existing law provides that each district court may assign a certain division of the court as a reentry division of court. Provides that a reentry division of a court shall establish a workforce development sentencing program.

Existing law provides that a defendant may participate in the workforce development sentencing program subject to multiple provisions of existing law.

Existing law provides that the court may recommend that a defendant participate in the workforce development sentencing program if all of the following criteria are satisfied:

- (1) The defendant meets the eligibility requirements for participation in the Offender Rehabilitation and Workforce Development Program as provided by existing law (R.S. 15:1199.7(A) and (C)).
- (2) The defendant meets the suitability requirements as defined by best practices developed for the Offender Rehabilitation and Workforce Development Program as adopted by the La. Supreme Court.
- (3) The court determines that it is in the best interest of the community and in the interest of justice that the defendant be sentenced to the Offender Rehabilitation and Workforce Development Program.
- (4) The defendant is not sentenced to a term of incarceration which exceeds 10 years.
- (5) The defendant does not have any prior felony convictions for any offenses defined as a sex offense in existing law (R.S. 15:541).
- (6) The crime before the court is not a crime of violence as defined in existing law (R.S. 14:2(B)), including domestic violence.
- (7) The defendant is not sentenced as a multiple offender in the prior charge pursuant to existing law (R.S. 15:529.1).
- (8) Other criminal proceedings alleging commission of a crime of violence as defined in existing law (R.S. 14:2(B)) are not pending against the defendant.
- (9) The crime before the court is not a charge of any crime that resulted in the death of a person.

New law repeals prior law to remove the criteria that the defendant not be sentenced to a term of incarceration which exceeds 10 years.

New law further amends existing law to expand eligibility to defendants who have committed certain crimes of violence as defined in existing law (R.S. 14:2(B)):

- (1) Aggravated battery (R.S. 14:34).
- (2) Second degree battery (R.S. 14:34.1).
- (3) Battery of a police officer (R.S. 14:34.2).
- (4) Disarming of a peace officer (R.S. 14:34.6).
- (5) Aggravated assault (R.S. 14:37).
- (6) Aggravated assault with a firearm (R.S. 14:37.4).
- (7) Simple kidnaping (R.S. 14:45).
- (8) False imprisonment; offender armed with dangerous weapon (R.S. 14:46.1).

- (9) Aggravated arson (R.S. 14:51).
- (10) Aggravated criminal damage to property (R.S. 14:55).
- (11) Home invasion (R.S. 14:62.8).
- (12) Second degree robbery (R.S. 14:64.4).
- (13) Simple robbery (R.S. 14:65).
- (14) Purse snatching (R.S. 14:65.1).
- (15) Aggravated flight from an officer (R.S. 14:108.1).

New law removes the restriction on defendants who are habitual offenders from participating in a workforce development sentencing program.

New law requires the district attorney's consent to defendant's participation in the program if the defendant was convicted of a violent crime as defined in existing law.

Effective August 1, 2022.

(Amends R.S. 13:5401(B)(1)(f), (g), (h), and (i); Repeals R.S. 13:5401(B)(1)(d))