

2018 Regular Session

HOUSE BILL NO. 394

BY REPRESENTATIVE COX

VETERANS: Establishes the Post-Conviction Veterans Mentor Program

1

AN ACT

2 To enact Part XIX of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 15:1199.21 through 1199.26, relative to the Post-Conviction  
4 Veterans Mentor Program; to provide for the establishment of the Post-Conviction  
5 Veterans Mentor Program; to provide for definitions; to provide for development and  
6 administration of the program; to provide for eligibility criteria; to provide for work  
7 opportunities for inmates participating in the program; to provide for the  
8 establishment of transitional facilities; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part XIX of Chapter 7 of Title 15 of the Louisiana Revised Statutes of  
11 1950, comprised of R.S. 15:1199.21 through 1199.26, is hereby enacted to read as follows:

12 PART XIX. POST-CONVICTION VETERANS MENTOR PROGRAM

13 §1199.21. Short title

14 This Part may be referred to and may be cited as the "Post-Conviction  
15 Veterans Mentor Program".

16 §1199.22. Purpose

17 The Legislature of Louisiana recognizes that there is a critical need for  
18 criminal justice system programs to assist veterans in order to reduce the incidence  
19 of recidivism. As with the Veterans Court Probation Program, there is also a need  
20 to assist veterans who have been convicted of offenses. Those veterans who are

1       eligible and willing to participate in the program could serve as mentors for veterans  
2       participating in the Veterans Court Probation Program. Therefore, it is the intent of  
3       the Legislature of Louisiana to create an opportunity for veterans convicted of certain  
4       offenses to return to society and be successful in re-entry into the workplace. The  
5       goal of the Post-Conviction Veterans Mentor Program is to reduce recidivism among  
6       veterans and to provide those who have served this country with the assistance that  
7       they need and deserve.

8       §1199.23. Definitions

9           For the purposes of this Part:

10          (1) "Department" means the Department of Public Safety and Corrections.  
11          (2) "Veteran" means an honorably discharged member of the United States  
12         Armed Forces or organized militia of the several states and territories, including but  
13         not limited to a member of the Army, Navy, Air Force, Marine Corps, Coast Guard,  
14         National Guard, Air National Guard, Reserves, State Guard, or a commissioned  
15         officer of the Public Health Service, Environmental Science Services Administration,  
16         or National Oceanic and Atmospheric Administration, or its predecessor, the United  
17         States Coast and Geodetic Survey.

18       §1199.24. Post-Conviction Veterans Mentor Program for incarcerated veterans;  
19       eligibility criteria

20          A. Notwithstanding any other provision of law to the contrary, an offender  
21         who is incarcerated shall be eligible to participate in the Post-Conviction Veterans  
22         Mentor Program if all of the following conditions are met:

23          (1) The offender shall not have a felony conviction for an offense defined  
24         as a homicide in R.S. 14:29 or as a sex offense in R.S. 15:541, or any pending  
25         criminal proceeding alleging commission of an offense defined as a homicide in R.S.  
26         14:29 or as a sex offense in R.S. 15:541.

27          (2) The offender is determined to be a veteran as defined in R.S. 15:1199.23.  
28          (3) The department has reason to believe that the offender could benefit from  
29         the Post-Conviction Veterans Mentor Program.

1           (4) The offender is committed to the Department of Public Safety and  
2           Corrections for a term or terms of imprisonment with or without benefit of parole for  
3           twenty years or more and not otherwise eligible for parole at an earlier date.

4           (5) The offender has completed substance abuse treatment as applicable.

5           (6) The offender has completed an anger management program.

6           (7) The offender has not committed any major disciplinary offenses in  
7           twelve consecutive months prior to the transfer.

8           (8) The offender has completed the mandatory minimum of one hundred  
9           hours of prerelease programming in accordance with the provisions of R.S. 15:827.1  
10          if such programming is available at the facility where the offender is incarcerated.

11          (9) The offender has obtained a GED credential, unless the offender has  
12          previously obtained a high school diploma or is deemed by a certified educator as  
13          being incapable of obtaining a GED.

14          (10) The offender has obtained a low-risk level designation determined by  
15          a validated risk assessment instrument approved by the secretary of the Department  
16          of Public Safety and Corrections.

17          B. An eligible offender shall be transferred to the division of probation and  
18          parole or a transitional facility upon serving fifteen years of the term or terms of  
19          imprisonment in actual custody and upon attaining at least forty years of age.

20          C. If the offender is transferred to the division of probation and parole, the  
21          offender shall have a pre-release residence established and residency must be  
22          approved by the Department of Public Safety and Corrections. Offenders transferred  
23          to transitional facilities shall be transferred to the division of probation and parole  
24          after three successful years at the transitional facility.

25          D. To maintain eligibility to participate in the program, the offender must  
26          comply with all of the following requirements:

27          (1) Maintain parole eligibility pursuant to the provisions of R.S. 15:574.4.

28          (2) Submit to electronic monitoring for a period of three years upon initial  
29          release and shall be responsible for the cost of such electronic monitoring.

1                   (3) The offender shall be given the conditions of his location tracking and  
2                   crime correlation based electronic monitoring supervision in writing and shall be  
3                   required to agree in writing to the conditions.

4                   (4) Continue as member of an approved twelve-step program or an approved  
5                   equivalent by the supervising parole officer.

6                   (5) Meet once a month with an authorized veteran transition counselor.

7                   (6) Be subject to multiple weekly visits with the supervising officer without  
8                   prior notice.

9                   (7) Perform at least fifty hours of unpaid community service to any veteran  
10                  or military program, including the Veterans Court Probation Program.

11                  (8) Offenders transferred to a transitional facility shall serve as mentors of  
12                  the Veterans Court Probation Program.

13                  E. Any violation of the conditions of eligibility provided for in Subsection  
14                  C of this Section shall subject the veteran to disciplinary sanctions up to and  
15                  including parole revocation. Any veteran whose parole is revoked shall not be  
16                  eligible to re-apply.

17                  F. After the successful completion of the initial five years at the transitional  
18                  facility, the veteran will be given a favorable recommendation for commutation of  
19                  sentence. If the veteran's recommendation is approved for commutation of sentence,  
20                  then the veteran will be transferred to the division of probation and parole. Any  
21                  veteran whose parole is revoked cannot re-apply under the provisions of this Section.

22                  §1199.25. Mentor program for Veterans Court Probation Program; job assistance

23                  A. Veterans shall serve as mentors of the Veterans Court Probation Program.  
24                  As mentors, these incarcerated veterans may serve as liaisons between the program  
25                  and the participant. The mentor shall work in close association with the court and  
26                  its officers to assist in coordinating strategies for careful monitoring and the  
27                  production of effective assistance for the success of the participant. The mentors  
28                  will serve as the first line of defense against relapse and recidivism.

1           B. The department shall facilitate work opportunities for veterans  
2           participating in the Post-Conviction Veterans Mentor Program.

3           C.(1) Any mentor who is also employed, shall be responsible for the cost of  
4           his room, board, clothing, and other necessary expenses unless other means of  
5           payment are approved by the department excepting that this liability may be waived  
6           if the veteran is enrolled full-time to participate in sheltered workshops, or in training  
7           programs.

8           (2) The wages of any such veteran shall be disbursed for the following  
9           purposes subject to the approval of the department:

10          (a) The room and board of the veteran including food and clothing,  
11          (b) Necessary travel expenses to and from work and other incidental  
12          expenses of the veteran.

13          (c) Any court-ordered child support owed by the inmate. The support may  
14          be paid in installments approved by the department.

15          (d) Any court-ordered restitution, or restitution owed to the department, or  
16          any other obligations acknowledged by the inmate in writing, or which have been  
17          reduced to judgment. The obligations may be paid in installments approved by the  
18          department.

19          (e) The balance, if any, to the veteran upon his discharge.

20          (3) The wages of an inmate employed shall not be less than the customary  
21          wages for an employee performing similar services.

22          (4) In no case shall veterans participating in such programs be authorized or  
23          permitted to work or to continue working on a project or job involved in a labor  
24          dispute.

25          D. Deductions for room, board, and other administrative costs resulting from  
26          participation of employment in connection with a transitional facility authorized by  
27          this Part shall not exceed thirty-three percent.

28          §1199.26. Transitional facilities

1           A. The Department of Public Safety and Corrections is hereby authorized to  
2       create, establish, operate, contract, and maintain transitional facilities for  
3       incarcerated veterans identified as veterans of the United States Armed Forces. The  
4       facilities will be established in such places throughout the state as are deemed  
5       necessary by the director. Such facilities shall be operated and maintained for those  
6       veterans who will serve as mentors for the Veterans Court Probation Program and  
7       those veterans who have strong rehabilitation potential.

8           B.(1) In order to implement its policies and programs, the state of Louisiana,  
9       through the Department of Public Safety and Corrections shall develop and maintain  
10      support for non-governmental organizations to operate transitional facilities designed  
11      to facilitate the reintegration of the veteran into the community.

12          (2) The Department of Public Safety and Corrections shall report annually  
13      to the legislature on the progress of the program.

14          C. All transitional facilities shall be minimum security structures and comply  
15      with security measures deemed appropriate by the department.

16          D. The department or its agent may employ psychiatrists, neurologists,  
17      special educators, guidance counselors, psychologists, nurses, technicians, social  
18      workers, occupational therapists, physicians, and other professional personnel to staff  
19      transitional facilities or may contract for the services of such persons with  
20      community service organizations, religious groups, universities, and medical  
21      schools.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 394 Original

2018 Regular Session

Cox

**Abstract:** Establishes an early release program and work opportunities for certain eligible veterans who are incarcerated.

Proposed law creates the Post-Conviction Veterans Mentor Program.

Proposed law defines "veteran" as an honorably discharged member of the U.S. Armed Forces or organized militia of the several states and territories, including but not limited to

a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, Air National Guard, Reserves, State Guard, or a commissioned officer of the Public Health Service, Environmental Science Services Administration, or National Oceanic and Atmospheric Administration, or its predecessor, the United States Coast and Geodetic Survey.

Proposed law provides that:

- (1) An eligible offender shall not have a felony conviction for an offense defined as a homicide or as a sex offense.
- (2) The offender is determined to be a veteran.
- (3) The department has reason to believe that the offender could benefit from the Post-Conviction Veterans Mentor Program.
- (4) The offender is committed to the Dept. of Public Safety and Corrections on or after January 1, 1997, for a term or terms of imprisonment for 20 years or more and not otherwise eligible for parole at an earlier date.
- (5) The offender has completed substance abuse treatment as applicable.
- (6) The offender has completed an anger management program.
- (7) The offender has not committed any major disciplinary offenses in twelve consecutive months prior to the transfer.
- (8) The offender has completed the mandatory minimum of 100 hours of prerelease programming.
- (9) The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma.
- (10) The offender has obtained a low-risk level designation determined by the DPS&C.

Proposed law provides that to maintain eligibility to participate in the program, the offender must comply with all of the following:

- (1) Maintain parole eligibility.
- (2) Submit to electronic monitoring for a period of three years upon initial release and shall be responsible for the cost of such electronic monitoring.
- (3) The offender shall be given the conditions of his location tracking and crime correlation based electronic monitoring supervision.
- (4) Continue as a member of an approved 12-step program or an approved equivalent by the supervising parole officer.
- (5) Meet once a month with an authorized veteran transition counselor.
- (6) Be subject to multiple weekly visits with the supervising officer without prior notice.
- (7) Perform at least 50 hours of unpaid community service to any veteran or military program, including the Veterans Court Probation Program.
- (8) Offenders transferred to a transitional facility shall serve as mentors of the Veterans Court Probation Program.

Proposed law provides for the release of eligible veterans after serving 15 years of the term or terms of imprisonment in actual custody and upon attaining at least 40 years of age.

Proposed law provides for the establishment of minimum security transitional facilities for eligible veterans.

Proposed law provides for the distribution of the wages earned by the inmate.

Proposed law provides that the wages of an inmate so employed shall be not less than the customary wages for an employee performing similar services. Deductions for room, board, and other administrative costs resulting from participation in a workforce development work release program shall not exceed 33% of the wages received by an inmate.

(Adds R.S. 15:1199.21 - 1199.26)