

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
7 veteran mentors; to provide for screening of eligible mentors; to create the Veteran
8 Mentor Screening Panel; to provide for its membership; to provide for work
9 opportunities for inmates participating in the program; to provide for the
10 establishment of transitional facilities; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part XIX of Chapter 7 of Title 15 of the Louisiana Revised Statutes of
13 1950, comprised of R.S. 15:1199.21 through 1199.26, is hereby enacted to read as follows:

14 PART XIX. POST-CONVICTION VETERANS MENTOR PROGRAM

15 §1199.21. Short title

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

18 §1199.22. Purpose

19 The Legislature of Louisiana recognizes that there is a critical need for
20 criminal justice system programs to assist veterans in order to reduce the incidence

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

10 §1199.23. Definitions

11 For the purposes of this Part:

12 (1) "Department" means the Department of Public Safety and Corrections.

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

20 §1199.24. Post-Conviction Veterans Mentor Program for incarcerated veterans;
21 eligibility criteria

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

25 (1) The offender satisfies the eligibility requirements of R.S. 13:5366
26 (Veterans Court Program).

27 (2) The department has reason to believe that the offender could benefit from
28 the Post-Conviction Veterans Mentor Program.

1 (3) 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 (4) The offender has completed substance abuse treatment as applicable.

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

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

8 (7) 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 (8) 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 (9) The offender has obtained a low-risk level designation determined by a
15 validated risk assessment instrument approved by the secretary of the Department
16 of Public Safety and Corrections.

17 (10) The offender is committed to the custody of the Department of Public
18 Safety and Corrections.

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

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

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

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

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

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

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

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

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

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

13 (8) Offenders transferred to a transitional facility shall serve as mentors of
14 the Veterans Court Probation Program if they receive a favorable recommendation
15 as provided in R.S. 15:1199.25.

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

20 F. After the successful completion of the initial five years at the transitional
21 facility, the veteran will be given a favorable recommendation for commutation of
22 sentence. If the veteran's recommendation is approved for commutation of sentence,
23 then the veteran will be transferred to the division of probation and parole. Any
24 veteran whose parole is revoked cannot re-apply under the provisions of this Section.
25 §1199.25. Mentor program for Veterans Court Probation Program; job assistance

26 A. Veterans shall serve as mentors of the Veterans Court Probation Program
27 upon receiving a favorable recommendation by the Veteran Mentor Screening Panel
28 as provided in Subsection B of this Section. As mentors, these incarcerated veterans
29 may serve as liaisons between the program and the participant. The mentor shall

1 work in close association with the court and its officers to assist in coordinating
2 strategies for careful monitoring and the production of effective assistance for the
3 success of the participant. The mentors will serve as the first line of defense against
4 relapse and recidivism.

5 B.(1) The Veteran Mentor Screening Panel shall be composed of the
6 following members:

7 (a) A representative of the Louisiana District Attorneys Association.

8 (b) A representative of the Louisiana District Judges Association.

9 (c) A representative of the Louisiana Sheriffs' Association.

10 (d) The chairman of the House Judiciary Committee, or his designee.

11 (e) The chairman of the Senate Judiciary B Committee, or his designee.

12 (f) A representative of the Louisiana Department of Veterans Affairs.

13 (2) A quorum of the panel shall constitute a majority vote of the panel is
14 required for a favorable recommendation.

15 (3) The panel shall notify a crime victim, or next of kin of a deceased victim,
16 of a panel meeting determining the eligibility of a veteran offender to serve as a
17 mentor. The notification shall be provided in accordance with the provisions of R.S.
18 15:574.2.

19 C. The department shall facilitate work opportunities for veterans
20 participating in the Post-Conviction Veterans Mentor Program.

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

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

28 (a) The room and board of the veteran including food and clothing.

1 (b) Necessary travel expenses to and from work and other incidental
2 expenses of the veteran.

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

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

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

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

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

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

18 §1199.26. Transitional facilities

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

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

- 1 (2) The Department of Public Safety and Corrections shall report annually
 2 to the legislature on the progress of the program.
- 3 C. All transitional facilities shall be minimum security structures and comply
 4 with security measures deemed appropriate by the department.
- 5 D. The department or its agent may employ psychiatrists, neurologists,
 6 special educators, guidance counselors, psychologists, nurses, technicians, social
 7 workers, occupational therapists, physicians, and other professional personnel to staff
 8 transitional facilities or may contract for the services of such persons with
 9 community service organizations, religious groups, universities, and medical
 10 schools.

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)]

HB 394 Engrossed

2018 Regular Session

Cox

Abstract: Creates the Post-Conviction Veterans Mentor Program, and provides for eligibility.

Proposed law creates the Post-Conviction Veterans Mentor Program.

Proposed law defines "veteran" as an honorably or generally 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 offender must satisfy the eligibility requirements of the present law Veterans Court Program.
- (2) The department has reason to believe that the offender could benefit from the Post-Conviction Veterans Mentor Program.
- (3) The offender is committed to the Dept. of Public Safety and Corrections for a term or terms of imprisonment for 20 years or more and not otherwise eligible for parole at an earlier date.
- (4) The offender has completed substance abuse treatment as applicable.
- (5) The offender has completed an anger management program.

- (6) The offender has not committed any major disciplinary offenses in twelve consecutive months prior to the transfer.
- (7) The offender has completed the mandatory minimum of 100 hours of prerelease programming.
- (8) The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma.
- (9) The offender has obtained a low-risk level designation determined by DPS&C.
- (10) The offender is in the custody of 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 transfer of eligible veterans to the division of probation or parole or to a transitional facility after serving 10 years of the term or terms of imprisonment in actual custody and upon attaining at least 40 years of age.

Proposed law provides for a Veteran Mentor Screening Panel to determine whether eligible veterans can serve as mentors. Provides for the membership of the panel.

Proposed law provides for the establishment of minimum security transitional facilities for eligible veterans, and provides for the distribution of the wages earned by the inmate. 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. Provides for a favorable recommendation for commutation of sentence for veterans who successfully complete the initial five years at a transitional facility.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Amend the definition of "veteran" to include those generally discharged.
2. Change proposed law provisions providing for a transfer of eligible offenders to the division of probation and parole upon serving 10 years of the term of imprisonment.
3. Require that participants of the proposed law program meet the eligibility requirements of the present law Veterans Court Program and that they are committed to the custody of DPS&C.
4. Create a Veteran Mentor Screening Panel and require a favorable recommendation by the panel prior to a veteran serving as a mentor in the proposed law program.