

2018 Regular Session

SENATE BILL NO. 521

BY SENATOR CLAITOR

COURTS. Provides relative to eligibility for reentry court for persons convicted of certain offenses. (8/1/18)

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AN ACT

To amend and reenact R.S. 13:5401(B)(1) and to enact R.S. 13:5401(B)(3)(d) and Code of Criminal Procedure Art. 890.3(A)(3), relative to reentry courts; to provide relative to eligibility requirements for workforce development sentencing programs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5401(B)(1) is hereby amended and reenacted and R.S. 13:5401(B)(3)(d) is hereby enacted to read as follows:

§5401. District courts; reentry courts; subject matter

* * *

B. Participation in the workforce development sentencing program as authorized by the provisions of this Section shall be subject to the following provisions:

(1) The court may recommend that a defendant participate in the workforce development sentencing program if all of the following criteria are satisfied:

(a) ~~The defendant meets the eligibility requirements for participation in the Offender Rehabilitation and Workforce Development Program as provided for in~~

1 ~~R.S. 15:1199.7(A) and (C).~~

2 (b) The defendant meets the suitability requirements as defined by best
3 practices developed for the Offender Rehabilitation and Workforce Development
4 Program as adopted by the Louisiana Supreme Court.

5 (b) The court determines that it is in the best interest of the community and
6 in the interest of justice that the defendant be sentenced to the Offender
7 Rehabilitation and Workforce Development Program.

8 (d) ~~The defendant is not sentenced to a term of incarceration which exceeds~~
9 ~~ten years.~~

10 (c) The defendant shall not have any prior felony convictions for any
11 offenses defined as a sex offense in R.S. 15:541.

12 (d) The crime before the court shall not be a crime of violence as defined
13 in R.S. 14:2(B), ~~including domestic violence.~~ **except under either of the following**
14 **circumstances:**

15 (i) **A first conviction of an offense with a maximum prison sentence of ten**
16 **years or less that was not committed against a family member or household**
17 **member as defined by R.S. 14:35.3, or against a dating partner as defined by**
18 **R.S. 46:2151.**

19 (ii) **When the district attorney makes a written recommendation to the**
20 **court that the offense should not be designated as a crime of violence, pursuant**
21 **to Code of Criminal Procedure Article 890.3.**

22 (e) The defendant cannot be sentenced as a multiple offender in the present
23 charge pursuant to R.S. 15:529.1.

24 (f) Other criminal proceedings alleging commission of a crime of violence
25 as defined in R.S. 14:2(B) shall not be pending against the defendant.

26 (g) The crime before the court shall not be a charge of any crime that
27 resulted in the death of a person.

28 * * *

29 (3) In offering a defendant the opportunity to request the program, the court

1 shall advise the defendant of the following:

2 * * *

3 **(d) Notwithstanding any provision of law to the contrary, any offender**
4 **sentenced under R.S. 13:5401 shall not be eligible for parole pursuant to R.S.**
5 **15:574.4(A)(1), nor earn "good time" pursuant to R.S. 15:571.3, or additional**
6 **"good time" credits for participation in certified treatment rehabilitation**
7 **programs pursuant to R.S. 15:828 while in the program.**

8 * * *

9 Section 2. Code of Criminal Procedure Art. 890.3(A)(3) is hereby enacted to read as
10 follows:

11 Art. 890.3. Sentencing for crimes of violence

12 A. Except as provided in Paragraph C of this Article, when a defendant is
13 sentenced for any offense, or the attempt to commit any offense, defined or
14 enumerated as a crime of violence in R.S. 14:2(B), the district attorney may make
15 a written recommendation to the court that the offense should not be designated as
16 a crime of violence only for the following purposes:

17 * * *

18 **(3) The defendant's eligibility for participation in Offender**
19 **Rehabilitation and Workforce Development Program pursuant to R.S. 13:5401.**

20 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

SB 521 Original 2018 Regular Session Claitor

Present law provides for the creation of workforce development sentencing programs by the reentry division court. Present law requires the defendant to meet eligibility requirements for participation in the Offender Rehabilitation and Workforce Development Program. Under the program, the court makes a determination of whether participation in the program is in the best interest of the community and the defendant. Participants must not have been charged with a crime that resulted in the death of a person or a sentence that exceeds 10 years or more.

Proposed law allows defendants to participate in reentry courts if the crime is not considered a crime of violence under R.S. 14:2(B). However, a defendant with a first conviction of a crime with a maximum prison sentence of 10 years or less that was not committed against

a family or household member or dating partner may be eligible to participate. The participating defendant is not eligible for parole or the ability to earn "good time" or "good time" credits. Additionally, the district attorney has the ability to make a written recommendation to the court that a crime not be designated as a crime of violence in order for the defendant to become eligible to participate in the Offender Rehabilitation and Workforce Development Program.

Effective August 1, 2018.

(Amends R.S. 13:5401(B)(1); adds R.S. 13:5401(B)(3)(d) and C.Cr.P. Art. 890.3(A)(3))