

RÉSUMÉ DIGEST

ACT 273 (HB 394)

2018 Regular Session

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New law creates the Post-Conviction Veterans Mentor Program.

New 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.

New law provides that an offender who is incarcerated is eligible to participate in the program if certain conditions are met including:

- (1) An offender must satisfy the eligibility requirements of the existing 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 (DPS&C) for a term or terms of imprisonment with or without benefit of parole.
- (4) The offender has completed all programming deemed appropriate by DPS&C.
- (5) The offender has not committed any major disciplinary offenses in twelve consecutive months prior to the transfer. A major disciplinary offense is an offense identified as a Schedule B offense by the DPS&C in the Disciplinary Rules and Procedures for Adult Offenders.
- (6) The offender has completed the mandatory minimum of 100 hours of prerelease programming.
- (7) The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma.
- (8) The offender, at the time of consideration for the program, is not designated as "high-risk" and is considered "low risk".
- (9) The offender is in the custody of DPS&C.
- (10) The offender has attained the age of 40 years and has served at least 10 years of the term or terms of imprisonment.

New law provides that an offender who meets the eligibility requirements provided by new law is then subject to pre-screening by DPS&C, office of adult services, for placement in a transitional work program. Additionally, if approved by DPS&C, office of adult services, the offender shall be transferred to an appropriate transitional work program. Provides that after three successful years at a transitional facility, the offender shall be granted a parole hearing, if not otherwise eligible for a hearing prior to such date.

New 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) Continue to participate in all programming deemed appropriate by DPS&C and the Dept. of Veteran Affairs.
- (3) Meet once a month with an authorized veteran transition counselor.

- (4) Perform at least 50 hours of unpaid community service to any veteran or military program, including the Veterans Court probation program.
- (5) Offenders approved for placement in a transitional facility shall serve as mentors of the Veterans Court probation program, upon a favorable recommendation.

If the offender violates a condition of his eligibility, new law provides that he shall be subject to disciplinary sanctions including removal from the transitional work program. Any veteran removed from the program shall not be eligible for further consideration pursuant to new law.

New law provides that after successful completion of the assigned term at the transitional facility, the veteran shall be granted a hearing before the committee on parole. If the veteran is granted parole, the veteran shall be released on parole or released on diminution of sentence. Any veteran whose parole is revoked shall not be eligible to participate in the program.

New law provides for the Bd. of Pardons, based on a pre-screen assessment developed by the Bd. of Pardons, to determine whether eligible veterans can serve as mentors. Further provides that the mentors serve as liaisons between the program and the participant. Requires the department, through placement of the offender in a transitional work program, to facilitate work opportunities for veterans participating in the Post-Conviction Veterans Mentor Program.

New law provides for the wages of the mentors and provides that any mentor who is employed shall be responsible for the cost of certain expenses, but not more than 70% of the wages may be deducted to cover such costs. Further provides for the disbursement of the wages for certain purposes.

New law authorizes DPS&C to create, establish, operate, contract, and maintain transitional facilities for incarcerated veterans who serve as mentors for the Veterans Court probation program. Further provides for certain requirements for the facilities.

Effective August 1, 2018.

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