

2020 Regular Session

SENATE BILL NO. 407

BY SENATOR FOIL

CRIMINAL JUSTICE. Provides relative to the post-conviction veterans mentor program.
(8/1/20)

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AN ACT

To amend and reenact R.S. 15:1199.22, 1199.24(A)(1), (2), (7), and (8), (B), (C), (D), (E), and (F), 1199.25, and 1199.26 and to enact R.S. 15:1199.24(A)(11), (12), and (G), relative to the Post-Conviction Veterans Mentor Program; to provide for the authorization of the Post-Conviction Veterans Mentor Program; to provide for eligibility criteria; to provide for veteran mentors; to provide for screening of eligible mentors; to provide for work opportunities for inmates participating in the program; to provide for transitional facilities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:1199.22, 1199.24(A)(1), (2), (7), and (8), (B), (C), (D), (E), and (F), 1199.25, and 1199.26 are hereby amended and reenacted and R.S. 15:1199.24(A)(11), (12), and (G) are hereby enacted to read as follows:

§1199.22. Purpose; **authorization of Post-Conviction Veterans Mentor Program**

A. The Legislature of Louisiana recognizes that there is a critical need for criminal justice system programs to assist veterans in order to reduce the incidence of recidivism. As with the Veterans Court probation program, there is also a need to assist veterans who have been convicted of offenses. Those veterans who are eligible

1 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 **B. The secretary of the Department of Public Safety and Corrections is**
 9 **authorized to establish a Post-Conviction Veterans Mentor Program for**
 10 **incarcerated veterans, hereinafter referred to as "program". The department**
 11 **shall adopt regulations and guidelines as it deems necessary for the**
 12 **administration and implementation of this program. The provisions of this Part**
 13 **shall be implemented only to the extent that funds are available within the**
 14 **department for this purpose and to the extent that is consistent with available**
 15 **resources.**

16 * * *

17 §1199.24. Post-Conviction Veterans Mentor Program for incarcerated veterans;
 18 eligibility criteria

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

22 (1) The offender ~~satisfies the eligibility requirements of R.S. 13:5366~~
 23 ~~(Veterans Court Program)~~ **is a veteran as defined by R.S. 15:1199.23(2).**

24 (2) ~~The department has reason to believe that the offender could benefit from~~
 25 ~~the Post-Conviction Veterans Mentor Program.~~ **The offender has no convictions**
 26 **for an offense defined as a homicide in R.S. 14:29 or as a sex offense in R.S.**
 27 **15:541.**

28 * * *

29 (7) The offender has obtained a ~~GED credential, unless the offender has~~

1 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
 2 ~~being incapable of obtaining a GED~~ **high school equivalency.**

3 (8) The offender, at the time of consideration for the program, ~~is not~~
 4 ~~designated as "high risk" and is considered "low risk"~~ **has obtained a "low risk"**
 5 **level designation determined by a validated risk assessment instrument**
 6 **approved by the secretary of the Department.**

7 * * *

8 **(11) The offender has completed a mentor training program as deemed**
 9 **appropriate by the Department of Public Safety and Corrections.**

10 **(12) The sentencing judge and the district attorney of the jurisdiction of**
 11 **the conviction consent.**

12 B. ~~An eligible~~ **Upon meeting the eligibility requirements set forth in**
 13 **Subsection A of this Section, the** offender shall then be subject to pre-screening
 14 **and assessments for suitability** by the Department of Public Safety and Corrections,
 15 office of adult services for placement in a transitional work **release** program, **in**
 16 **accordance with R.S. 15:1111.**

17 C. If the offender is approved **to participate in the program** by the
 18 Department of Public Safety and Corrections, office of adult services they shall be
 19 transferred to an appropriate transitional work program. After three successful years
 20 in a transitional work program, the offender shall be granted a parole hearing **by the**
 21 **committee on parole as provided in Subsection G of this Section,** if not otherwise
 22 eligible for a hearing prior to such date.

23 D. ~~To maintain eligibility to participate in the program, the offender must~~
 24 ~~comply with all of the following requirements~~ **Additional requirements for**
 25 **participation in the program:**

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

27 (2) Continue to participate in all programming deemed appropriate by the
 28 Department of Public Safety and Corrections and the Department of Veterans
 29 Affairs.

1 ~~(3)~~**(2)** Meet once a month with an authorized veteran transition counselor.

2 ~~(4)~~**(3)** Perform at least fifty hours of unpaid community service to any veteran
3 or military program, including the Veterans Court probation program.

4 ~~(5)~~**(4)** ~~Offenders approved for placement in a transitional facility shall serve~~
5 **Serve** as mentors of the Veterans Court ~~probation program if they receive a~~
6 ~~favorable recommendation as provided in R.S. 15:1199.25.~~

7 **(5) Submit to random drug screenings and receive no positive results**
8 **from such screenings.**

9 **E. Liability for all activity and possible illegal activity shall fall solely on**
10 **the offender participating in the program. The Department of Public Safety and**
11 **Corrections shall have indemnity for any and all actions taken by the offender**
12 **that may be illegal, that subjects the offender to parole revocation, or that are**
13 **deemed eligible to terminate the offender's participation in the Post-Conviction**
14 **Veterans Mentor Program, and for any advice, education, action, or**
15 **information relayed by the offender to any employee, mentee, or other**
16 **participant in the program that may or may not result in action that causes any**
17 **outcome.**

18 **F.** Any violation of the conditions of eligibility provided for in Subsection
19 D of this Section shall subject the ~~veteran~~ **offender** to disciplinary sanctions up to
20 and including removal from the transitional work ~~release~~ **program**. Any ~~veteran~~
21 **offender** removed from the program shall not be eligible for further consideration
22 pursuant to this Part.

23 **F.G.** After the successful completion of the ~~assigned term~~ **at least three**
24 **years** at the transitional ~~work release program~~ **facility**, the ~~veteran~~ **offender** shall
25 be granted a hearing before the committee on parole. If the ~~veteran~~ **offender** is
26 granted parole ~~by the committee on parole~~, **then the veteran offender shall be**
27 ~~released on parole or released on diminution of sentence~~ **in accordance with the**
28 **provisions of R.S. 15:574.4.1 and 17:574.4.2.** Any ~~veteran~~ **offender** whose parole
29 is revoked shall not be eligible to participate in the program.

* * *

§1199.25. Mentor program for Veterans Court probation program; job assistance

A. Veterans While participating in the Post-Conviction Veterans Mentor Program, the offender shall serve, upon the approval, in writing, of the presiding judge, as ~~mentors of a mentor in~~ the Veterans Court probation program ~~upon receiving a favorable recommendation by the Board of Pardons based on a pre-screen assessment developed by the Board of Pardons. As mentors, these incarcerated veterans may serve as liaisons between the program and the participant. Each mentor shall work in close association with the court and its officers to assist in coordinating strategies for careful monitoring and the production of effective assistance for the success of the participant. The purpose of the mentor role is to serve as the first line of defense against relapse and recidivism~~ in the parish of the transitional work release program in which the offender is housed.

B. ~~The department, through placement of the offender in a transitional work program, shall facilitate work opportunities for veterans participating in the Post-Conviction Veterans Mentor Program.~~

C.(1) ~~Any mentor who is employed shall be responsible for the cost of his room, board, clothing, and other necessary expenses unless other means of payment are approved by the department.~~

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

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

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

(c) ~~Any court-ordered child support owed by the veteran.~~

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

1 (e) ~~The balance, if any, owed to the veteran upon his discharge.~~

2 (3) ~~The wages of an employed veteran shall not be less than the customary~~
3 ~~wages for an employee performing similar services.~~

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

7 D. ~~Deductions for room, board, and other administrative costs resulting from~~
8 ~~participation of employment in connection with a transitional facility authorized by~~
9 ~~this Part shall not exceed the limits set forth in R.S. 15:1111.~~

10 * * *

11 §1199.26. Transitional facilities

12 A. (1) The Department of Public Safety and Corrections is hereby authorized
13 to create, establish, operate, contract, and maintain transitional facilities for
14 incarcerated veterans identified as veterans of the United States Armed Forces. The
15 facilities shall be established in such places throughout the state as are deemed
16 necessary by the ~~director~~ **secretary or his designee.**

17 (2) Such facilities shall be operated and maintained for those veterans
18 **offenders** who serve as mentors for the Veterans Court probation program and those
19 veterans who have strong rehabilitation potential. **Existing transitional work**
20 **release program facilities, otherwise known as work release, may be used to**
21 **provide services and opportunities to the veterans participating in the program**
22 **to benefit both the veterans participating and the parish jails.**

23 B. All transitional facilities **established pursuant to this Part** shall be
24 minimum security structures and comply with security measures deemed appropriate
25 by the department **the provisions of R.S. 15:5111.**

26 C. The department or its agent may ~~employ psychiatrists, neurologists,~~
27 ~~special educators, guidance counselors, psychologists, nurses, technicians, social~~
28 ~~workers, occupational therapists, physicians, and other professional personnel to staff~~
29 ~~transitional facilities or may contract for the services of such persons with~~

1 community service organizations, religious groups, universities, and medical schools
 2 **allow participants in the program who are veterans to utilize the services of the**
 3 **local hospital, center, or clinic operated by the Department of Veterans Affairs**
 4 **for mental health services, medical care, and any other earned eligible benefits**
 5 **due to service, at no expense to the state.**

The original instrument was prepared by Margaret M. Corley. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alan Miller.

DIGEST

SB 407 Engrossed

2020 Regular Session

Foil

Present law provides that the legislature recognizes that there is a critical need for criminal justice system programs to assist veterans in order to reduce the incidence of recidivism.

Proposed law authorized the secretary of the Department of Public Safety and Corrections to establish a Post-Conviction Veterans Mentor Program for incarcerated veterans.

Present law provides that an offender who is incarcerated is eligible to participate in the program if certain conditions are met.

Proposed law provides that an offender who is incarcerated is eligible for consideration to participate in the program if certain conditions are met.

Proposed law retains present law conditions and adds the requirement that the offender has completed a mentor training program as deemed appropriate by the Department of Public Safety and Corrections and the consent of the sentencing judge and the district attorney of the jurisdiction of the conviction.

Present law provides for requirements to maintain eligibility in the program.

Proposed law changes these to additional requirements for participation in the program.

Additionally, proposed law, adds the requirement of submitting to random drug screenings and receiving no positive results from such screenings.

Proposed law provides that liability for all activity and possible illegal activity will fall solely on the veteran offender participating in the program. The Department of Public Safety and Corrections will have indemnity for any and all actions taken by the offender that may be illegal, that subject the offender to parole revocation, or that are deemed eligible to terminate the offender's participation in the Post-Conviction Veterans Mentor Program.

Proposed law provides that the offender will serve as a mentor in the Veterans Court probation program, upon written approval of the presiding judge.

Present law authorizes transitional facilities for incarcerated veterans who serve as mentors for the Veterans Court probation program. Further provides for certain requirements for the facilities.

Proposed law provides that existing transitional work release program facilities, otherwise known as work release, may be used to provide services and opportunities to the veterans participating in the program to benefit both the veterans participating and the parish jails.

Effective August 1, 2020.

(Amends R.S. 15:1199.22, 1199.24(A)(1), (2), (7), and (8), (B), (C), (D), (E), and (F), 1199.25, and 1199.26; adds R.S. 15:1199.24(A)(11), (12), and (G))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Adds requirement that the sentencing judge and the district attorney of the jurisdiction of the conviction consent to the offender participating in the program.