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

DIGEST

Nevers (SB 252)

Present law provides that after January 1, 2014, all criminal divisions within the 22nd JDC shall use a single validated risk and needs assessment tool prior to sentencing an adult offender.

Proposed law provides that after January 1, 2015, all criminal divisions within the 22nd JDC may use a single presentence investigation validated risk and needs assessment tool prior to sentencing an adult offender eligible for assessment.

Proposed law provides that the presentence investigation assessment program shall be administered by the judges of the 22nd JDC, and further provides that the court shall adopt rules to provide relative to the eligibility and administration of the presentence investigation assessments, storing and making available assessment results, and compiling statistics gathered from the assessments.

Proposed law further provides that eligibility for presentence investigation assessment shall be limited to an adult felony defendant who is otherwise eligible for probation or reentry after adjudication of guilt, and who has executed a valid counseled waiver authorizing the assessment. Proposed law defines "adjudication of guilt" as any finding of guilt, plea of guilty, or adjudication under Code of Criminal Procedure Article 893. Proposed law provides that a "valid counseled waiver" shall consist of a document signed by the defendant after consultation with counsel expressing the defendant's complete and irrevocable written acknowledgment of the purpose of the assessment and waiver of confidentiality over the global risk scores contained in the presentence investigation validated risk and needs assessment tool.

Present law provides that the assessment tool shall be administered at the time of arraignment by trained and certified personnel within the court's misdemeanor probation office.

Proposed law provides that the presentence investigation assessment tool shall be administered after adjudication and prior to sentencing, and by trained and certified personnel within the court's misdemeanor probation office.

Present law provides that, upon the court's own motion or by motion of defense counsel, for good cause shown, the court may order the administration of a subsequent assessment.

Proposed law provides that, upon the court's own motion or by motion of defense counsel, for good cause shown, the court may order the administration of a subsequent assessment for a defendant who was previously assessed.

Present law provides that an evaluation report shall be prepared based upon the findings of the

assessment tool.

Proposed law provides that an evaluation report shall be prepared based upon the findings of the presentence investigation assessment tool.

Present law provides that the evaluation report shall be made available to the court and defense counsel prior to the initial pretrial conference, but shall otherwise remain confidential and kept as part of the record under court seal.

Proposed law provides that prior to the imposition of sentence, the presentence investigation assessment results, including the evaluation report, shall be made available to counsel for the defendant and the district attorney. Proposed law further provides that the defendant and the district attorney shall have the opportunity to challenge the presentence investigation assessment prior to imposition of sentence and, upon good cause shown to the court, may review the other reports and data associated with the presentence assessment investigation. Proposed law provides that the presentence investigation assessment results, including the evaluation report, shall otherwise remain confidential and kept as part of the record under court seal.

Present law provides that the district court shall develop policies and protocols no later than January 1, 2014, regarding the administration and use of the assessment tool and evaluation reports. Present law further provides that these policies shall include confidentiality periods, maintaining the integrity of the assessment tool, training and data collection and sharing among affected entities. Present law further provides that the 22nd JDC is authorized to provide funding for any expenses related to the administration and use of the assessment and evaluation reports.

Proposed law provides that the district court shall develop policies and protocols no later than January 1, 2015, regarding the administration and use of the presentence investigation assessment tool, assessment results, and evaluation reports. Proposed law further provides that these policies shall include confidentiality periods, maintaining the integrity of the presentence investigation assessment tool, training, and data collection and sharing among affected entities. Proposed law further provides that the 22nd JDC is authorized to provide funding for any expenses related to the administration and use of the presentence investigation assessment tool and evaluation reports.

Present law provides that the validated risk and needs assessment tool and evaluation report shall be utilized by the sentencing court at the pretrial stage determining an appropriate sentence, in order to evaluate the defendant's risk of committing future offenses and to reduce the recidivism of the defendant.

Proposed law provides that the presentence investigation validated risk and needs assessment tool and evaluation report may be utilized by the sentencing court prior to determining an appropriate sentence, in order to evaluate the defendant's risk of committing future offenses and to reduce the recidivism of the defendant.

Present law provides that, in determining an appropriate sentence, the sentencing court shall consider the results of the defendant's risk and needs assessment included in the evaluation

report, together with the likely impact of a possible sentence on the reduction of potential future criminal behavior of the defendant.

Proposed law repeals present law.

Present law provides that the assessment tool and evaluation report may also be used to determine eligibility or suitability of the defendant for any available specialty court.

Proposed law provides that the presentence investigation assessment tool and evaluation report may also be used to determine eligibility or suitability of the defendant for any available specialty court.

Proposed law further provides that nothing in proposed law shall be construed to confer upon the defendant any substantive, procedural or appellate right, nor any additional post-conviction right or remedy.

Effective August 1, 2014.

(Amends R.S. 15:326 and 327)