

2017 Regular Session

HOUSE BILL NO. 489

BY REPRESENTATIVE LEGER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/JUSTICE: Reinvests money from savings realized as a result of reforms to the criminal justice system and requires the collection of data in this regard

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AN ACT

To enact R.S. 15:827.2 and 827.3, relative to the reinvestment of savings realized from criminal justice reforms; to require the Department of Public Safety and Corrections to collect and make available certain information and data relative to the prison and community supervision population; to authorize the Department of Public Safety and Corrections to promulgate rules and regulations; to provide guidelines on the type of information and data to be collected; to provide relative to the calculation of savings realized by the Department of Public Safety and Corrections; to require the reinvestment of a portion of the savings realized; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:827.2 and 827.3 are hereby enacted to read as follows:

§827.2. Data collection and reporting requirements

A.(1) In addition to other duties imposed upon the Department of Public Safety and Corrections, it shall be the duty of the department, in conjunction with the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, to collect, track, analyze, forecast, and distribute data relative to prison admissions, sentencing, habitual offender sentencing, parole, community supervision, medical furlough, certified treatment and rehabilitation programs, workforce development work release programs, and cost savings and reinvestment.

1 (2) The department shall provide the information described in Subsection D
2 of this Section to the Joint Legislative Committee on the Budget and the
3 commissioner of administration by June 30, 2018, and shall provide updated
4 information annually thereafter.

5 (3) The department shall make the information described in Paragraphs
6 (D)(1) through (6) of this Section publicly available by June 30, 2018, and shall
7 update the information annually thereafter.

8 B. The department may enter into a cooperative endeavor agreement or
9 memorandum of understanding with a third-party provider to assist with the
10 collection, tracking, analysis, forecasting, and distribution of the data and
11 information collected pursuant to the provisions of this Section.

12 C. The department is authorized to adopt rules or regulations necessary to
13 implement the provisions of this Section.

14 D. The information collected by the department, in conjunction with the
15 Louisiana Commission on Law Enforcement and Administration of Criminal Justice,
16 shall include but not be limited to the following:

17 (1) With respect to prison admissions: the total prison population and the
18 total number of individuals admitted to prison by offense type, type of admission,
19 prior criminal history, and, if measured upon intake, by risk assessment score and
20 risk assessment tool.

21 (2) With respect to parole and release from prison: the average length of
22 stay in prison organized by offense type and by type of admission, the total number
23 of individuals released from prison organized by type of release, the total number of
24 parole hearings held, and the recidivism rate of individuals released from prison.

25 (3) With respect to the population of individuals on probation or parole
26 supervision: the total number of supervision intakes by offense type and by risk
27 assessment score, the average sentence length for persons on probation by offense
28 type, and the total number of supervision discharges by discharge type.

1 (4) With respect to those individuals on probation or parole supervision who
2 violate a condition of their release or commit a new offense: the average amount of
3 time credited to either their suspended sentence or the remainder of their sentence
4 from time spent on supervision, the average amount of time credited to either their
5 suspended sentence or the remainder of their sentence from time spent awaiting trial
6 pre-revocation, the total number of non-jail administrative sanctions administered,
7 and the total number of, and average length of stay in jail for, administrative jail
8 sanctions issued.

9 (5) With respect to certified treatment and rehabilitation programs (CTRP),
10 pursuant to R.S. 15:828: the total number of individuals who are awarded earned
11 credits from CTRP, the percentage of eligible individuals who are awarded earned
12 credits from CTRP, the average amount of credits individuals earn from CTRP, and
13 the number of certified treatment and rehabilitation programs offered at facilities
14 housing inmates under the custody of the Department of Public Safety and
15 Corrections.

16 (6) With respect to workforce development work release program, pursuant
17 to R.S. 15:711, 1111, and 1199.9: the total number of individuals who participate
18 in a workforce development work release program, the percentage of eligible
19 individuals who participate in a workforce development work release program, and
20 the average amount of awarded earned credits for participation in a workforce
21 development work release program.

22 (7) With respect to reinvestment and savings: the total amount of annual
23 savings achieved as a result of legislation relative to the criminal justice system
24 enacted in the 2017 Regular Session of the Legislature and thereafter, the total
25 amount of funds deemed a bona fide obligation pursuant to R.S. 15:827.3, and the
26 entities that received reinvestment funds, the dollar amounts directed to each, and a
27 description of how the funding was used.

1 §827.3. Savings attributable to criminal justice reforms

2 A. At the end of each fiscal year, the Department of Public Safety and
3 Corrections shall provide to the commissioner of administration and to the Joint
4 Legislative Committee on the Budget a statement of calculated annual savings
5 realized as a result of reforms to the criminal justice system. For Fiscal Year 2017-
6 2018, seventy percent of the savings shall be deemed a bona fide obligation of the
7 state and shall be allocated by the department according to Subsection B of this
8 Section. For Fiscal Year 2018-2019 and each fiscal year thereafter, fifty percent of
9 the annual savings shall be deemed a bona fide obligation of the state and shall be
10 allocated by the department according to Subsection B of this Section and twenty
11 percent of the annual savings shall be deemed a bona fide obligation of the state and
12 shall be allocated by the department for juvenile justice initiatives and programs.

13 B. The amount deemed to be a bona fide obligation pursuant to the
14 provisions of Subsection A of this Section, except for the portion required to be
15 allocated by the department for juvenile justice initiatives and programs, shall be
16 allocated as follows:

17 (1) Thirty percent shall be allocated to the Department of Public Safety and
18 Corrections to award incentive grants to parishes, judicial districts, and nonprofit
19 community partner organizations to expand evidence-backed prison alternatives and
20 reduce admissions to the state prison system.

21 (2) Twenty percent shall be allocated to the Louisiana Commission on Law
22 Enforcement and the Administration of Criminal Justice to award competitive grants
23 for victim services, including but not limited to victim safety assessments and safety
24 planning, trauma-informed treatment and services for victims and survivors, shelters
25 and transitional housing for domestic violence victims and their children, batterers'
26 intervention programming, and victim-focused education and training for justice
27 system professionals.

28 (3) The remainder shall be allocated to the Department of Public Safety and
29 Corrections for targeted investments in reentry services, community supervision,

- 1 educational and vocational programming, transitional work programs, and contracts
 2 with parish jails and other local facilities that house state inmates to incentivize
 3 expansion of recidivism reduction programming and treatment services.
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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 489 Engrossed

2017 Regular Session

Leger

Abstract: Provides for the reinvestment of savings realized as a result of criminal justice reforms and requires the collection of certain data and information in this regard.

Proposed law requires the Dept. of Public Safety and Corrections (DPS&C), in conjunction with the La. Commission on Law Enforcement and Administration of Criminal Justice, to collect, track, analyze, forecast, and distribute certain information on prison admissions, parole, community supervision, medical furlough, certified treatment and rehabilitation programs, workforce development work release programs, and cost savings and reinvestment.

Proposed law requires DPS&C to provide the information collected to the commissioner of administration and the Joint Legislative Committee on the Budget by June 30, 2018, and to provide updated information annually thereafter. Further requires DPS&C to make the information collected publicly available by June 30, 2018, and to update the information annually thereafter.

Proposed law authorizes DPS&C to enter into a memorandum of understanding or cooperative endeavor agreement with a third-party provider to assist with the collection, tracking, analysis, forecasting, and distribution of the data and information collected, and to adopt rules and regulations as are necessary to implement the provisions of proposed law.

Proposed law provides that in FY 2017-2018, 70% of the annual savings realized shall be deemed a bona fide obligation of the state to be allocated as follows:

- (1) 30% to DPS&C to award incentive grants to parishes, judicial districts, and nonprofit community partner organizations to expand evidence-backed prison alternatives and reduce admissions to the state prison system.
- (2) 20% to the La. Commission on Law Enforcement and the Administration of Criminal Justice to award competitive grants for victim services.
- (3) The remainder to DPS&C for targeted investments in reentry services, community supervision, educational and vocational programming, transitional work programs, and contracts with parish jails and other local facilities that house state inmates to incentivize expansion of recidivism reduction programming and treatment services.

Further provides in FY 2018-2019 and thereafter, 20% of the annual savings realized shall be deemed a bona fide obligation of the state to be allocated by DPS&C for juvenile justice initiatives and programs, and 50% of the annual savings realized shall be deemed a bona fide obligation of the state to be allocated as provided in Paragraphs (1) through (3) above.

(Adds R.S. 15:827.2 and 827.3)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provide that the La. Commission on Law Enforcement and Administration of Criminal Justice, instead of the La. Supreme Court, shall work in conjunction with the Dept. of Public Safety and Corrections to collect, track, analyze, forecast, and distribute the data.
2. Change the date that the data and information is to be provided to the entities listed in proposed law from Dec. 31, 2017, to June 30, 2018.
3. Instead of authorizing the Dept. of Public Safety and Corrections to contract with third parties for the collection, tracking, analysis, forecasting, and distribution of the information and data, authorize the department to enter into a memorandum of understanding or a cooperative endeavor agreement with a third party for such purposes.
4. Remove sentencing data from the type of information that is to be collected.
5. Expand the provision regarding the collection of information on work release programs to include all types of work release programs.
6. With regard to the collection of data on the reinvestment of savings, provide that the data shall continue and include legislative measures from future legislative sessions.
7. Provide that in FY 2018-2019 and thereafter, 20% of the annual savings shall be allocated for juvenile justice initiatives and programs.
8. Clarify the language regarding the distribution of funds that are deemed to be a bona fide obligation.