2017 Regular Session

HOUSE BILL NO. 94

BY REPRESENTATIVES JIMMY HARRIS, AMEDEE, BAGNERIS, CHAD BROWN, GARY CARTER, ROBBY CARTER, COUSSAN, EDMONDS, GAINES, GLOVER, HAZEL, HODGES, JACKSON, LEGER, LEOPOLD, MAGEE, MARINO, JAY MORRIS, SHADOIN, AND ZERINGUE

1	AN ACT
2	To amend and reenact R.S. 13:587.4(A) and 5401(A) and (B)(1) and (2) and to repeal R.S.
3	13:5401(C), relative to reentry courts; to authorize the creation of a reentry division
4	in all district courts; to remove the enumerated district courts authorized to create
5	reentry divisions; to require certain criteria for eligibility and suitability; to provide
6	for certain requirements of the court; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 13:587.4(A) and 5401(A) and (B)(1) and (2) are hereby amended and
9	reenacted to read as follows:
10	§587.4. District courts; specialized divisions or sections; subject matter
11	A. Respecting seniority and the requirement that all cases be assigned
12	randomly within multi-judge divisions or sections, the judges of any judicial district
13	court, by rule adopted by a majority vote of the judges sitting en banc, may designate
14	a certain division or section of the court as a specialized division or section having
15	criminal, civil, drug court, driving while intoxicated court, human trafficking court,
16	mental health court, misdemeanor, traffic, juvenile, violent crimes or homicides,
17	reentry court, or other specialized subject matter jurisdiction.
18	* * *

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	CHAPTER 34. REENTRY COURTS
2	§5401. District courts; reentry courts; subject matter
3	A. The Each district courts court as enumerated in Subsection C of this
4	Section, by rule, adopted by a majority vote of the judges sitting en banc, may assign
5	a certain division of the court as a reentry division of court. Prior to the creation of
6	a reentry division of court, each district court shall secure funding to establish and
7	maintain a reentry division of court. However, failure to do so will have no effect
8	upon any judgment, finding, or sentence. The reentry division of court shall establish
9	a workforce development sentencing program, which shall establish guidelines for
10	the issuance of sentences providing inmate rehabilitation and workforce
11	development. The reentry division of court and sentencing program shall work in
12	conjunction with the Louisiana Workforce Commission and all efforts shall be
13	coordinated and consistent with the provisions of R.S. 23:1 et seq.
14	B. Participation in the workforce development sentencing program as
15	authorized by the provisions of this Section shall be subject to the following
16	provisions:
17	(1) The court may recommend that a defendant participate in the workforce
18	development sentencing program if all of the following criteria are satisfied:
19	(a) The defendant meets the eligibility requirements for participation in the
20	Offender Rehabilitation and Workforce Development Program as provided for in
21	R.S. 15:1199.7(A) and (C).
22	(b) The defendant meets the suitability requirements as defined by best
23	practices developed for the Offender Rehabilitation and Workforce Development
24	Program as adopted by the Louisiana Supreme Court.
25	(c) The court determines that it is in the best interest of the community and
26	in the interest of justice that the defendant be sentenced to the Offender
27	Rehabilitation and Workforce Development Program.
28	$\frac{(c)(d)}{(c)}$ The defendant is not sentenced to a term of incarceration which
29	exceeds ten years.

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1	(d)(e) The defendant shall not have any prior felony convictions for any
2	offenses defined as a sex offense in R.S. 15:541.
3	(e)(f) The crime before the court shall not be a crime of violence as defined
4	in R.S. 14:2(B), including domestic violence.
5	(f)(g) The defendant cannot be sentenced as a multiple offender in the
6	present charge pursuant to R.S. 15:529.1.
7	(g)(h) Other criminal proceedings alleging commission of a crime of
8	violence as defined in R.S. 14:2(B) shall not be pending against the defendant.
9	(h)(i) The crime before the court shall not be a charge of any crime that
10	resulted in the death of a person.
11	(2)(a) Upon a determination that the defendant meets the eligibility and
12	suitability criteria provided for in Paragraph (1) of this Subsection, the court shall
13	advise the defendant that he may be eligible for enrollment in the workforce
14	development sentencing program.
15	(b) Prior to sentence, the court shall contact the Department of Public Safety
16	and Corrections Reentry Services to determine if there is adequate capacity for
17	enrollment or if bed space is available.
18	* * *
19	Section 2. R.S. 13:5401(C) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____