

2018 Regular Session

HOUSE BILL NO. 279

BY REPRESENTATIVE MARINO

COURTS: Provides relative to eligibility for reentry court for persons convicted of certain offenses

1 AN ACT

2 To amend and reenact R.S. 13:5401(B)(1) and to enact R.S. 13:5401(B)(3)(d) and Code of
3 Criminal Procedure Article 890.3(A)(3), relative to reentry courts; to provide relative
4 to eligibility requirements for workforce development sentencing programs; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:5401(B)(1) is hereby amended and reenacted and R.S.
8 13:5401(B)(3)(d) is hereby enacted to read as follows:

9 §5401. District courts; reentry courts; subject matter

10 * * *

11 B. Participation in the workforce development sentencing program as
12 authorized by the provisions of this Section shall be subject to the following
13 provisions:

14 (1) The court may recommend that a defendant participate in the workforce
15 development sentencing program if all of the following criteria are satisfied:

16 (a) ~~The defendant meets the eligibility requirements for participation in the~~
17 ~~Offender Rehabilitation and Workforce Development Program as provided for in~~
18 ~~R.S. 15:1199.7(A) and (C).~~

1 (3) In offering a defendant the opportunity to request the program, the court
2 shall advise the defendant of the following:

3 * * *

4 (d) Notwithstanding any provision of law to the contrary, any offender
5 sentenced under R.S. 13:5401 shall not be eligible for parole pursuant to R.S.
6 15:574.4(A)(1), nor earn "good time" pursuant to R.S. 15:571.3, or additional "good
7 time" credits for participation in certified treatment rehabilitation programs pursuant
8 to R.S. 15:828 while in the program.

9 * * *

10 Section 2. Code of Criminal Procedure Article 890.3(A)(3) is hereby enacted to read
11 as follows:

12 Art. 890.3. Sentencing for crimes of violence

13 A. Except as provided in Paragraph C of this Article, when a defendant is
14 sentenced for any offense, or the attempt to commit any offense, defined or
15 enumerated as a crime of violence in R.S. 14:2(B), the district attorney may make
16 a written recommendation to the court that the offense should not be designated as
17 a crime of violence only for the following purposes:

18 * * *

19 (3) The defendant's eligibility for participation in Offender Rehabilitation
20 and Workforce Development Program pursuant to R.S. 13:5401.

21 * * *

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 279 Original

2018 Regular Session

Marino

Abstract: Expands the eligibility requirements for reentry programs.

Present law provides for the creation of workforce development sentencing programs by the reentry division court. Present law requires the defendant to meet eligibility requirements for participation in the Offender Rehabilitation and Workforce Development Program. Under the program, the court makes a determination of whether participation in the program is in the best interest of the community and the defendant. Participants must not have been

charged with a crime that resulted in the death of a person or a sentence that exceeds 10 years or more.

Proposed law allows defendants to participate in reentry courts if the crime is not considered a crime of violence under R.S. 14:2(B); however, a defendant with a first conviction of a crime with a maximum prison sentence of 10 years or less that was not committed against a family or household member, dating partner, or domestic abuse battery that is punishable by imprisonment at hard labor are allowed to participate. The participating defendant is not eligible for parole or the ability to earn "good time" or "good time" credits. Additionally, the district attorney has the ability to make a written recommendation to the court that a crime not be designated as a crime of violence in order for the defendant to become eligible to participate in the Offender Rehabilitation and Workforce Development Program.

(Amends R.S. 13:5401(B)(1); Adds R.S. 13:5401(B)(3)(d) and C.Cr.P. Art. 890.3(A)(3))