

2018 Regular Session

SENATE BILL NO. 339

BY SENATOR BISHOP

VETERANS. Provides for the Veterans Court program. (gov sig)

1 AN ACT

2 To enact R.S. 13:5366.1, relative to Veterans Courts; to provide relative to the Veterans  
3 Court program; to provide for an exception for convicted or incarcerated veterans;  
4 to provide stipulations; to provide relative to transitional facilities; to provide relative  
5 to the computation of sentence for incarcerated veterans; to provide relative to  
6 reporting requirements; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:5366.1 is hereby enacted to read as follows:

9 **§5366.1. Pilot program: Veterans Court mentors, location tracking correlation**  
10 **based electronic monitoring supervision program for offenders**  
11 **classified as a veteran**

12 **A. As used in this Section, "veteran" means a person who is a military**  
13 **veteran from one of the United States Armed Forces, eligible to participate in**  
14 **the Veterans Court Program pursuant to R.S. 13:5365(A) with a discharge**  
15 **characterization of honorable or general and verifies such status with the**  
16 **documentation therein or from R.S. 13:5367 and who is committed to the**  
17 **Department of Public Safety and Corrections on or after January 1, 1997, for**

1 a term or terms of imprisonment of twenty years or more with or without the  
2 benefit of parole and who is not eligible for parole at an earlier date.

3 B. Notwithstanding any other provision of law to the contrary, a veteran  
4 will be transferred to the division of probation and parole or a transitional  
5 facility upon serving ten years of the terms or terms of imprisonment in actual  
6 custody and upon attaining at least forty years of age, provided the veteran shall  
7 have completed the following programs administered by a person or persons  
8 licensed by the state: substance abuse counseling, anger management  
9 counseling, one hundred hours pre-release, obtain a minimum custody status,  
10 and must have a high school diploma or GED. If the veteran is transferred to  
11 the division of probation and parole, the veteran shall have a pre-release  
12 residence established and residency must be approved by the department of  
13 public safety and corrections. A veteran transferred to a transitional facility  
14 shall be transferred to the division of probation and parole after three  
15 successful years at a transitional facility.

16 C. The veteran must adhere to the following when transferred to the  
17 division of probation and parole or at the transitional facility:

18 (1) The provisions of R.S. 15:574.4(H)(a-q).

19 (2) Submit to electronic monitoring for a period of three years upon  
20 initial release and be responsible for the cost of such electronic monitoring.

21 (3) Agree in writing to written conditions of his location tracking and  
22 crime correlation based electronic monitoring supervision.

23 (4) Continue as a member of an approved twelve-step program or an  
24 approved equivalent by the supervising parole officer.

25 (5) Meet once a month with an authorized veteran transition counselor.

26 (6) Be subject to multiple weekly visits with the supervising officer  
27 without prior notice.

28 (7) Perform at least fifty hours of unpaid community service to any  
29 veteran or military program, to include the Veterans Court program.

1 (8) If identified as a sex offender, the provisions of R.S. 15:540-552.

2 (9) If transferred to a transitional facility, serve as a mentor of the  
3 Veterans Court program.

4 D. Any stipulation in Subsection C of this Section may be eliminated or  
5 increased by reduction to writing by the supervising parole officer. Any  
6 violation of the above stated stipulations shall subject the veteran to disciplinary  
7 sanctions to include but not be limited to revocation of parole status. Any  
8 veteran whose parole is revoked cannot reapply under this Section for a period  
9 of no less than five years.

10 E. Notwithstanding any other provision of law to the contrary, a veteran  
11 who is committed to the Department of Public Safety and Corrections to serve  
12 a life sentence shall be eligible for consideration for transfer to a transitional  
13 facility upon serving fifteen years of imprisonment in actual custody and upon  
14 attaining the age of forty-five years of age, provided that any veteran aged  
15 sixty-five or older who has served at least ten years of his term in actual custody  
16 shall be eligible for consideration for transfer to a transitional facility. The  
17 prerelease stipulations of Subsection B of this Section shall apply to this  
18 Subsection.

19 F. The veteran must adhere to all of the following stipulations while at  
20 the transitional facility:

21 (1) The provisions of R.S. 15:574.4(H)(a-q).

22 (2) Submit to electronic monitoring while at the transitional facility and  
23 be responsible for the cost of such electronic monitoring.

24 (3) Agree in writing to the written conditions of his location tracking and  
25 crime correlation based electronic monitoring supervision.

26 (4) Continue as a member of an approved twelve-step program or an  
27 approved equivalent by the supervising parole officer.

28 (5) Meet once a month with an authorized veteran transition counselor.

29 (6) Perform at least fifty hours of unpaid community service to any

1 veteran or military program, to include the Veterans Court program.

2 (7) If identified as a sex offender, the provisions of R.S. 15:540-552.

3 (8) Serve as a mentor of the Veterans Court program.

4 G. After the successful completion of the initial five years at the  
5 transitional facility, the veteran will be given a favorable recommendation for  
6 computation of sentence. If the veteran's recommendation is approved for  
7 computation of sentence, the veteran will be transferred to the division of  
8 probation and parole. Any veteran whose parole is revoked cannot reapply  
9 under this Section for a period of no less than five years.

10 H.(1) In order to implement its policies and programs, the state, through  
11 the Department of Public Safety and Corrections, shall develop and maintain  
12 support for nongovernmental organizations to operate transitional facilities  
13 designed to facilitate the reintegration of the veteran offender into the  
14 community.

15 (2) These facilities and nongovernment organizations shall utilize the  
16 supporting welfare, health, education, and employment and the participation  
17 of citizens of the state including faith-based organizations and families of  
18 former offenders in attempts to achieve increased public safety and to lower the  
19 rates of recidivism.

20 I. The Department of Public Safety and Corrections shall report  
21 annually to the legislature on the progress of the program.

22 J. The Department of Public Safety and Corrections may create,  
23 establish, operate, contract, and maintain transitional facilities for incarcerated  
24 offenders identified as veterans of the United States Armed Forces. The facilities  
25 will be established in such places throughout the state as are deemed necessary  
26 by the director. Such facilities shall be operated and maintained for those  
27 veterans who will serve as mentors for the Veterans Court program and those  
28 veterans who have a strong rehabilitation potential.

29 K. Any veteran sentenced to imprisonment with or without hard labor

1 shall be eligible for transfer to a transitional facility subject to the provisions of  
2 this Section. If any offender violates any provisions of this Section, he shall be  
3 subject to disciplinary sanctions. Failure to timely report to or return from  
4 planned employment or assigned appointment shall be considered an escape  
5 under the provisions of R.S. 14:110.

6 L. Veterans shall serve as mentors for the Veterans Court program. As  
7 a mentor, an incarcerated veteran shall serve as a liaison between the program  
8 and the participant. The mentor shall work in close association with the court  
9 and its officers to assist in coordinating strategies for careful monitoring and the  
10 production of effective assistance for the success of the participant. The mentor  
11 shall serve as the first line of defense against relapse and recidivism.

12 M. An incarcerated veteran shall serve as a mentor and an example of  
13 a rehabilitated offender. He shall be eligible to obtain commercial employment  
14 or may attend a university, college, technical, vocational or trade school, or  
15 participate in sheltered workshops, other rehabilitated groups, or in training  
16 programs designed to improve the skills and abilities of the mentor.

17 N. Any mentor who participates in commercial employment shall have  
18 his wages collected by the Department of Public Safety and Corrections or by  
19 a designated agent, and a department or the agent shall have the wages  
20 deposited in a public banking institution and keep a ledger showing the  
21 financial statuses of each offender assigned to the facility.

22 O.(1) Mentors commercially employed, shall be responsible for the cost  
23 of his room, board, clothing, and other necessary expenses unless other means  
24 of payment are approved by the department, excepting that this liability may  
25 be waived if the offender is enrolled as a full-time participant in sheltered  
26 workshops or in training programs.

27 (2) The wages of any such offender shall be disbursed for the following  
28 purposes and in the order stated subject to the approval of the department.

29 (a) The board of the offender including food and clothing.

1                   **(b) Necessary travel expense to and from work and other incidental**  
2                   **expenses of the offender.**

3                   **(c) Support of the offender's dependents, if any.**

4                   **(d) Religious obligations, if any.**

5                   **(e) Payment, either in full or ratably of the offender's obligation**  
6                   **acknowledged by him in writing, or which have been reduced to judgment.**

7                   **(f) Offender's weekly allowance, if any.**

8                   **(g) The balance, if any, to the offender upon his discharge.**

9                   **(3) The wages of the offender so employed shall not be less than the**  
10                  **customary wages for an employee performing similar services.**

11                  **(4) In no case shall an offender participating in such programs be**  
12                  **authorized or permitted to work or to continue working on a project or job**  
13                  **involved in a labor dispute.**

14                  **P. Deductions for room, board, and other administrative costs resulting**  
15                  **from participation of commercial employment in connection with the**  
16                  **transitional facility authorized by this Section shall not exceed thirty-three**  
17                  **percent.**

18                  **Q. The department or its agent may employ psychiatrists, neurologists,**  
19                  **special educators, guidance counselors, psychologists, nurses, technicians, social**  
20                  **workers, occupational therapists, physicians, or other professional personnel to**  
21                  **staff a transitional facility or may contract for the services of such persons with**  
22                  **a community service organization, religious group, university, or medical**  
23                  **school.**

24                  **R. A transitional facility shall be a minimum security structure and no**  
25                  **facility shall contain cells or barred windows, and no offender in any such**  
26                  **facility shall be locked in a room thereof. There shall not be any armed guards**  
27                  **at any such facility.**

28                  Section 2. This Act shall become effective upon signature by the governor or, if not  
29                  signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 3 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by James Benton.

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## DIGEST

SB 339 Original

2018 Regular Session

Bishop

Proposed law provides that notwithstanding any other provision of law to the contrary, a veteran will be transferred to the division of probation and parole or a transitional facility upon serving 10 years of the terms of imprisonment in actual custody and upon attaining at least 40 years of age, provided the veteran will have completed a set of programs mandated by proposed law. If the veteran is transferred to the division of probation and parole the veteran shall have a pre-release residence established and residency must be approved by the Department of Public Safety and Corrections. Veterans transferred to transitional facilities shall be transferred to the division of probation and parole after three successful years at the transitional facility.

Proposed law defines "veteran" as a person who is a military veteran from one of the U.S. Armed Forces with a discharge characterization of honorable or general and verifies such status with the documentation therein or from present law and who is committed to the Department of Public Safety and Corrections on or after January 1, 1997, for a term or terms of imprisonment of 20 years or more with or without the benefit of parole and who is not eligible for parole at an earlier date.

Proposed law provides that the veteran must adhere to the following stipulations when transferred to the division of probation and parole or at the transitional facility:

- (1) Adhere to the provisions of present law.
- (2) Submit to electronic monitoring for a period of three years upon initial release and will be responsible for the cost of such electronic monitoring.
- (3) Agree in writing to written conditions of his location tracking and crime correlation based electronic monitoring supervision.
- (4) Continue as a member of an approved 12-step program or an approved equivalent.
- (5) Meet once a month with an authorized veteran transition counselor.
- (6) Be subject to multiple weekly visits with the supervising officer without prior notice.
- (7) Perform at least 50 hrs of unpaid community service to any veteran or military program.
- (8) If identified as a sex offender, adhere to the provisions of present law.
- (9) If transferred to a transitional facility, serve as a mentor of the Veterans Court program.

Proposed law provides that any of these stipulations may be eliminated or increased by reduction to writing by the supervising parole officer. Any violations of the above stated stipulations will subject the veteran to disciplinary sanctions. Any veteran whose parole is

revoked cannot reapply under this statute for a period of no less than five years.

Proposed law provides that a veteran who is committed to the Department of Public Safety and Corrections to serve a life sentence will be eligible for consideration for transfer to a transitional facility upon serving 15 years of imprisonment in actual custody and upon attaining the age of 45, provided that any veteran aged 65 or older who has served at least 10 years of their term in actual custody will be eligible for consideration for transfer to a transitional facility.

Proposed law provides that the veteran must adhere to the following stipulations while at the transitional facility:

- (1) The provisions of present law.
- (2) Submit to electronic monitoring while at the transitional facility and will be responsible for the cost of such electronic monitoring.
- (3) Agree in writing to written conditions of his location tracking and crime correlation based electronic monitoring supervision.
- (4) Continue as a member of an approved 12-step program or an approved equivalent by the supervising parole officer.
- (5) Meet once a month with an authorized veteran transition counselor.
- (6) Perform at least 50 hours of unpaid community service to any veteran or military program, to include the Veterans Court program.
- (7) If identified as a sex offender, adhere to the provisions of present law.
- (8) Serve as a mentor of the Veterans Court program.

Proposed law provides that after the successful completion of the initial five years at the transitional facility, the veteran will be given a favorable recommendation for computation of sentence. If the veteran's recommendation is approved for computation of sentence, the veteran will be transferred to the division of probation and parole. Any veteran whose parole is revoked cannot reapply under proposed law for a period of not less than five years.

Proposed law provides that:

- (1) In order to implement its policies and programs, the state, through the Department of Public Safety and Corrections, will develop and maintain support for nongovernmental organizations to operate transitional facilities.
- (2) These facilities and nongovernment organizations will utilize the supporting welfare, health, education, and employment and the participation of citizens of the state including faith-based organizations and families of former offenders in attempts to achieve increased public safety and to lower the rates of recidivism.
- (3) The Department of Public Safety and Corrections will report annually to the legislature on the progress of the program.

Proposed law provides that the Department of Public Safety and Corrections may create, establish, operate, contract, and maintain transitional facilities for incarcerated offenders identified as veterans of the United States Armed Forces. Such facilities will be operated and maintained for those veterans who will serve as mentors for the Veterans Court program and those veterans who have a strong rehabilitation potential.



Proposed law provides that any offender identified as a veteran of the United States Armed Forces and sentenced to imprisonment with or without hard labor will be eligible for transfer to a transitional facility subject to the provisions set forth in present law. If any offender violates the provisions set forth, he will be subject to disciplinary sanctions. Failure to timely report to or return from planned employment or assigned appointment will be considered an escape under the provisions of present law.

Proposed law provides that veterans will serve as mentors for the Veterans Court program.

Proposed law provides that the incarcerated veterans will be eligible to obtain commercial employment or mentors may attend universities, colleges, technical, vocational or trade school, or participate in sheltered workshops, other rehabilitated groups, or in training programs designed to improve the skills and abilities of the mentor.

Proposed law provides that any mentor who participates in commercial employment will have his wages collected by the department or by a designated agent, and the department or the agent will have the wages deposited in a public banking institution.

Proposed law provides that mentors commercially employed will be responsible for the cost of his room, board, clothing, and other necessary expenses unless other means of payment are approved by the department, excepting that this liability may be waived if the offender is an enrolled full-time participant in sheltered workshops, or in training programs.

Proposed law provides that the wages of any such offender will be disbursed for the following purposes and in the order stated subject to the approval of the department:

- (a) The board of the offender including food and clothing.
- (b) Necessary travel expense to and from work and other incidental expenses of the offender.
- (c) Support of the offender's dependents, if any.
- (d) Religious obligations, if any.
- (e) Payment, either in full or ratably of the offender's obligation acknowledged by him in writing, or which have been reduced to judgment.
- (f) Offender's weekly allowance, if any.
- (g) The balance, if any, to the offender upon his discharge.

Proposed law provides that the wages of an inmate so employed will not be less than the customary wages for an employee performing similar services.

Proposed law provides that in no case will an offender participating in such programs be authorized or permitted to work or to continue working on a project or job involved in a labor dispute.

Proposed law provides that deductions for room, board, and other administrative costs resulting from participation of commercial employment in connection with the transitional facility authorized by proposed law will not exceed 33%.

Proposed law provides that the department or its agent may employ special educators, guidance counselors, medical professionals and other professional personnel to staff transitional facilities or may contract for the services of such person with community service organizations, religious groups, universities, and medical schools.

Proposed law provides that all transitional facilities will be minimum security structures and no facility will contain cells or barred windows, and no offender of any such facility will be locked in a room thereof. There will not be any armed guards at any such facility.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 13:5366.1)