

2018 Regular Session

HOUSE BILL NO. 394

BY REPRESENTATIVES COX, BAGNERIS, TERRY BROWN, ROBBY CARTER, GISCLAIR, GLOVER, HALL, HOWARD, HUNTER, JACKSON, JEFFERSON, JENKINS, JONES, TERRY LANDRY, LYONS, MARCELLE, MARINO, NORTON, PIERRE, POPE, REYNOLDS, AND WRIGHT

VETERANS: Establishes the Post-Conviction Veterans Mentor Program

1 AN ACT

2 To enact Part XIX of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 15:1199.21 through 1199.26, relative to the Post-Conviction
4 Veterans Mentor Program; to provide for the establishment of the Post-Conviction
5 Veterans Mentor Program; to provide for definitions; to provide for development and
6 administration of the program; to provide for eligibility criteria; to provide for
7 veteran mentors; to provide for screening of eligible mentors; to create the Veteran
8 Mentor Screening Panel; to provide for its membership; to provide for work
9 opportunities for inmates participating in the program; to provide for the
10 establishment of transitional facilities; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part XIX of Chapter 7 of Title 15 of the Louisiana Revised Statutes of
13 1950, comprised of R.S. 15:1199.21 through 1199.26, is hereby enacted to read as follows:

14 PART XIX. POST-CONVICTION VETERANS MENTOR PROGRAM

15 §1199.21. Short title

16 This Part may be referred to and may be cited as the "Post-Conviction
17 Veterans Mentor Program".

1 §1199.22. Purpose

2 The Legislature of Louisiana recognizes that there is a critical need for
3 criminal justice system programs to assist veterans in order to reduce the incidence
4 of recidivism. As with the Veterans Court probation program, there is also a need
5 to assist veterans who have been convicted of offenses. Those veterans who are
6 eligible and willing to participate in the program could serve as mentors for veterans
7 participating in the Veterans Court probation program. Therefore, it is the intent of
8 the Legislature of Louisiana to create an opportunity for veterans convicted of certain
9 offenses to return to society and be successful in re-entry into the workplace. The
10 goal of the Post-Conviction Veterans Mentor Program is to reduce recidivism among
11 veterans and to provide those who have served this country with the assistance that
12 they need and deserve.

13 §1199.23. Definitions

14 For the purposes of this Part:

15 (1) "Department" means the Department of Public Safety and Corrections.

16 (2) "Veteran" means an honorably or generally discharged member of the
17 United States Armed Forces or organized militia of the several states and territories,
18 including but not limited to a member of the Army, Navy, Air Force, Marine Corps,
19 Coast Guard, National Guard, Air National Guard, Reserves, State Guard, or a
20 commissioned officer of the Public Health Service, Environmental Science Services
21 Administration, or National Oceanic and Atmospheric Administration, or its
22 predecessor, the United States Coast and Geodetic Survey.

23 §1199.24. Post-Conviction Veterans Mentor Program for incarcerated veterans;
24 eligibility criteria

25 A. Notwithstanding any other provision of law to the contrary, an offender
26 who is incarcerated shall be eligible to participate in the Post-Conviction Veterans
27 Mentor Program if all of the following conditions are met:

28 (1) The offender satisfies the eligibility requirements of R.S. 13:5366
29 (Veterans Court Program).

1 (2) The department has reason to believe that the offender could benefit from
2 the Post-Conviction Veterans Mentor Program.

3 (3) The offender is committed to the Department of Public Safety and
4 Corrections for a term or terms of imprisonment with or without benefit of parole.

5 (4) The offender has completed substance abuse treatment as applicable.

6 (5) The offender has completed an anger management program.

7 (6) The offender has not committed any major disciplinary offenses in
8 twelve consecutive months prior to the transfer.

9 (7) The offender has completed the mandatory minimum of one hundred
10 hours of prerelease programming in accordance with the provisions of R.S. 15:827.1
11 if such programming is available at the facility where the offender is incarcerated.

12 (8) The offender has obtained a GED credential, unless the offender has
13 previously obtained a high school diploma or is deemed by a certified educator as
14 being incapable of obtaining a GED.

15 (9) The offender has not been designated as "high risk" and has achieved a
16 "low need" status by a validated risk assessment instrument approved by the
17 secretary of the Department of Public Safety and Corrections.

18 (10) The offender is committed to the custody of the Department of Public
19 Safety and Corrections.

20 (11) The offender has attained forty years of age and has served at least
21 fifteen years of the term or terms of imprisonment.

22 B. An eligible offender shall then be subject to pre-screening by the Board
23 of Pardons before approval.

24 C. If the offender is approved by the Board of Pardons, the offender shall
25 have a pre-release residence established and residency shall be approved by the
26 Department of Public Safety and Corrections. After three successful years at a
27 transitional facility, the offender shall be granted a parole hearing.

28 D. To maintain eligibility to participate in the program, the offender must
29 comply with all of the following requirements:

1 (1) Maintain parole eligibility pursuant to the provisions of R.S. 15:574.4.

2 (2) Continue as member of an approved twelve-step program or an approved
3 equivalent by the supervising parole officer.

4 (3) Meet once a month with an authorized veteran transition counselor.

5 (4) Perform at least fifty hours of unpaid community service to any veteran
6 or military program, including the Veterans Court probation program.

7 (5) Offenders approved for placement in a transitional facility shall serve as
8 mentors of the Veterans Court probation program if they receive a favorable
9 recommendation as provided in R.S. 15:1199.25.

10 E. Any violation of the conditions of eligibility provided for in Subsection
11 D of this Section shall subject the veteran to disciplinary sanctions up to and
12 including parole revocation. Any veteran whose parole is revoked shall not be
13 eligible to re-apply.

14 F. After the successful completion of the assigned term at the transitional
15 facility, the veteran shall be given a favorable recommendation for commutation of
16 sentence in accordance with R.S. 15:572. If the veteran's recommendation is
17 approved for commutation of sentence, then the veteran shall be paroled or released
18 on diminution of sentence. Any veteran whose parole is revoked cannot re-apply
19 under the provisions of this Section.

20 §1199.25. Mentor program for Veterans Court probation program; job assistance

21 A. Veterans shall serve as mentors of the Veterans Court probation program
22 upon receiving a favorable recommendation by the Veteran Mentor Screening Panel
23 as provided in Subsection B of this Section. As mentors, these incarcerated veterans
24 may serve as liaisons between the program and the participant. Each mentor shall
25 work in close association with the court and its officers to assist in coordinating
26 strategies for careful monitoring and the production of effective assistance for the
27 success of the participant. The purpose of the mentor role is to serve as the first line
28 of defense against relapse and recidivism.

1 B. The department shall facilitate work opportunities for veterans
2 participating in the Post-Conviction Veterans Mentor Program.

3 C.(1) Any mentor who is employed shall be responsible for the cost of his
4 room, board, clothing, and other necessary expenses unless other means of payment
5 are approved by the department. This liability may be waived if the veteran is
6 enrolled full-time to participate in a sheltered workshop or job training program.

7 (2) The wages of any such veteran shall be disbursed for the following
8 purposes subject to the approval of the department:

9 (a) The room and board of the veteran including food and clothing.

10 (b) Necessary travel expenses to and from work and other incidental
11 expenses of the veteran.

12 (c) Any court-ordered child support owed by the inmate.

13 (d) Any court-ordered restitution, or restitution owed to the department, or
14 any other obligations acknowledged by the inmate in writing, or which have been
15 reduced to judgment. The obligations may be paid in installments approved by the
16 department.

17 (e) The balance, if any, owed to the veteran upon his discharge.

18 (3) The wages of an employed inmate shall not be less than the customary
19 wages for an employee performing similar services.

20 (4) In no case shall veterans participating in such programs be authorized or
21 permitted to work or to continue working on a project or job involved in a labor
22 dispute.

23 D. Deductions for room, board, and other administrative costs resulting from
24 participation of employment in connection with a transitional facility authorized by
25 this Part shall not exceed the limits set forth in R.S. 15:1111.

26 §1199.26. Transitional facilities

27 A. The Department of Public Safety and Corrections is hereby authorized to
28 create, establish, operate, contract, and maintain transitional facilities for
29 incarcerated veterans identified as veterans of the United States Armed Forces. The

1 facilities shall be established in such places throughout the state as are deemed
 2 necessary by the director. Such facilities shall be operated and maintained for those
 3 veterans who serve as mentors for the Veterans Court probation program and those
 4 veterans who have strong rehabilitation potential.

5 B. All transitional facilities shall be minimum security structures and comply
 6 with security measures deemed appropriate by the department.

7 C. The department or its agent may employ psychiatrists, neurologists,
 8 special educators, guidance counselors, psychologists, nurses, technicians, social
 9 workers, occupational therapists, physicians, and other professional personnel to staff
 10 transitional facilities or may contract for the services of such persons with
 11 community service organizations, religious groups, universities, and medical
 12 schools.

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 394 Reengrossed

2018 Regular Session

Cox

Abstract: Creates the Post-Conviction Veterans Mentor Program and the procedures by which a veteran is determined to be eligible for the program and the procedures for the veteran's participation in the program.

Proposed law creates the Post-Conviction Veterans Mentor Program.

Proposed law defines "veteran" as an honorably or generally discharged member of the U.S. Armed Forces or organized militia of the several states and territories, including but not limited to a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, Air National Guard, Reserves, State Guard, or a commissioned officer of the Public Health Service, Environmental Science Services Administration, or National Oceanic and Atmospheric Administration, or its predecessor, the United States Coast and Geodetic Survey.

Proposed law provides that an offender who is incarcerated is eligible to participate in the program if certain conditions are met including:

- (1) An offender must satisfy the eligibility requirements of the present law Veterans Court Program.
- (2) The department has reason to believe that the offender could benefit from the Post-Conviction Veterans Mentor Program.
- (3) The offender is committed to the Dept. of Public Safety and Corrections (DPS&C) for a term or terms of imprisonment with or without benefit of parole.

- (4) The offender has completed substance abuse treatment as applicable.
- (5) The offender has completed an anger management program.
- (6) The offender has not committed any major disciplinary offenses in twelve consecutive months prior to the transfer.
- (7) The offender has completed the mandatory minimum of 100 hours of prerelease programming.
- (8) The offender has obtained a GED credential, unless the offender has previously obtained a high school diploma.
- (9) The offender has not been designated as "high risk" and has achieved a "low need" status by a validated risk assessment instrument approved by DPS&C.
- (10) The offender is in the custody of DPS&C.
- (11) The offender has attained the age of 40 years and has served at least 15 years of his term or terms of imprisonment.

Proposed law provides that an offender who meets the eligibility requirements provided by proposed law is then subject to pre-screening by the Board of Pardons prior to approval. If approved by the Board of Pardons, the offender shall have a pre-release residence established and approved by DPS&C.

Proposed law provides that after three successful years at a transitional facility, the offender shall be granted a parole hearing.

Proposed law provides that to maintain eligibility to participate in the program, the offender must comply with all of the following:

- (1) Maintain parole eligibility.
- (2) Continue as a member of an approved 12-step program or an approved equivalent by the supervising parole officer.
- (3) Meet once a month with an authorized veteran transition counselor.
- (4) Perform at least 50 hours of unpaid community service to any veteran or military program, including the Veterans Court probation program.
- (5) Offenders approved for placement in a transitional facility shall serve as mentors of the Veterans Court probation program.

If the offender violates a condition of his eligibility, proposed law provides that he shall be subject to disciplinary sanctions including up to and including parole revocation.

Proposed law provides that after successful completion of the assigned term at the transitional facility, the veteran shall be given a favorable recommendation for commutation of sentence and if the veteran's recommendation for commutation of sentence is approved, then the veteran shall be paroled or released on diminution of sentence.

Proposed law provides for a Veteran Mentor Screening Panel to determine whether eligible veterans can serve as mentors. Further provides that the mentors serve as liaisons between the program and the participant.

Proposed law provides for the wages of the mentors and provides that any mentor who is employed shall be responsible for the cost of certain expenses, but not more than 70% of the wages may be deducted to cover such costs. Further provides for the disbursement of the wages for certain purposes.

Proposed law authorizes DPS&C to create, establish, operate, contract, and maintain transitional facilities for incarcerated veterans who serve as mentors for the Veterans Court probation program. Further provides for certain requirements for the facilities.

(Adds R.S. 15:1199.21 - 1199.26)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Amend the definition of "veteran" to include those generally discharged.
2. Change proposed law provisions providing for a transfer of eligible offenders to the division of probation and parole upon serving 10 years of the term of imprisonment.
3. Require that participants of the proposed law program meet the eligibility requirements of the present law Veterans Court Program and that they are committed to the custody of DPS&C.
4. Create a Veteran Mentor Screening Panel and require a favorable recommendation by the panel prior to a veteran serving as a mentor in the proposed law program.

The House Floor Amendments to the engrossed bill:

1. Amend eligibility provisions to do all of the following:
 - (a) Remove the requirement that the offender be committed to the DPS&C for 20 years or more and be not otherwise eligible for parole at an earlier date.
 - (b) Amend the provision regarding DPS&C's validated risk assessment instrument to require that the offender achieve a "low need" status and not be designated as "high risk" under the assessment.
 - (c) Add that the offender shall be at least 40 years of age and have served at least 15 years of the term or terms of imprisonment.
2. Provide that the offender who meets the eligibility requirements shall then be subject to pre-screening by the Board of Pardons before approval.
3. Provide that if the offender is approved by the Board of Pardons, the offender shall have a pre-release residence established and approved by DPS&C.
4. Provide that after three successful years at a transitional facility, the offender shall be granted a parole hearing instead of transferring the offender to the division of probation and parole.
5. Amend requirements to maintain eligibility in the program to remove requirements regarding electronic monitoring and the requirement that the

offender be subject to multiple weekly visits with the supervising officer without prior notice.

6. Provide that if the veteran's recommendation is approved for commutation of sentence, then the veteran shall be paroled or released on diminution of sentence instead of transferred to the division of probation and parole.
7. Remove the Veteran Mentor Screening Panel but retains certain provisions relative to its functions.
8. With regard to the disbursement of the participant's wages, remove the provision which authorized child-support to be paid in installments.
9. Increase the limit on the amount that can be deducted from the participant's wages from 33% to 70% as is provided by present law regarding work release programs.
10. Remove the requirement that DPS&C develop and maintain support for nongovernmental organizations to operate transitional facilities and the requirement that they report annually to the legislature on the progress of the program.
11. Make technical corrections.