

GREEN SHEET REDIGEST

HB 394

2018 Regular Session

Cox

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

**VETERANS: Establishes the Post-Conviction Veterans Mentor Program**

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DIGEST

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 10 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 that, upon a favorable recommendation from the Board of Pardons, veterans shall serve as mentors of the Veterans Court Program. 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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the reengrossed bill

1. Changes the amount of years an offender must serve to be eligible for the program from 15 to 10 years.
2. Makes changes conforming to the removal of the Veteran Mentor Screening Panel.