

2018 Regular Session

HOUSE BILL NO. 394

BY REPRESENTATIVES COX, BACALA, BAGNERIS, BERTHELOT, TERRY BROWN, ROBBY CARTER, GISCLAIR, GLOVER, HALL, HAZEL, HODGES, HOWARD, HUNTER, JACKSON, JEFFERSON, JENKINS, JOHNSON, JONES, TERRY LANDRY, LYONS, MARCELLE, MARINO, NORTON, PIERRE, POPE, PYLANT, REYNOLDS, SCHEXNAYDER, WHITE, AND WRIGHT AND SENATORS BARROW AND BISHOP

AN ACT

To enact Part XIX of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1199.21 through 1199.26, relative to the Post-Conviction Veterans Mentor Program; to provide for the establishment of the Post-Conviction Veterans Mentor Program; to provide for definitions; to provide for development and administration of the program; to provide for eligibility criteria; to provide for veteran mentors; to provide for work opportunities for veterans participating in the program; to provide for the establishment of transitional facilities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

PART XIX. POST-CONVICTION VETERANS MENTOR PROGRAM

§1199.21. Short title

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

§1199.22. Purpose

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

§1199.23. Definitions

For the purposes of this Part:

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

(2) "Veteran" means an honorably or generally discharged member of the United States 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.

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

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

(1) The offender satisfies the eligibility requirements of R.S. 13:5366 (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 all programming deemed appropriate by the
6 Department of Public Safety and Corrections.

7 (5) The offender has not committed any major disciplinary offenses in
8 twelve consecutive months prior to the transfer. A major disciplinary offense is an
9 offense identified as a Schedule B offense by the Department of Public Safety and
10 Corrections in the Disciplinary Rules and Procedures for Adult Offenders.

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

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

17 (8) The offender, at the time of consideration for the program, is not
18 designated as "high risk" and is considered "low risk".

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

21 (10) The offender has attained forty years of age and has served at least ten
22 years of the term or terms of imprisonment.

23 B. An eligible offender shall then be subject to pre-screening by the
24 Department of Public Safety and Corrections, office of adult services for placement
25 in a transitional work program.

26 C. If the offender is approved by the Department of Public Safety and
27 Corrections, office of adult services they shall be transferred to an appropriate
28 transitional work program. After three successful years in a transitional work
29 program, the offender shall be granted a parole hearing, if not otherwise eligible for
30 a hearing prior to such date.

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

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

4 (2) Continue to participate in all programming deemed appropriate by the
5 Department of Public Safety and Corrections and the Department of Veterans
6 Affairs.

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

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

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

13 E. Any violation of the conditions of eligibility provided for in Subsection
14 D of this Section shall subject the veteran to disciplinary sanctions up to and
15 including removal from the transitional work program. Any veteran removed from
16 the program shall not be eligible for further consideration pursuant to this Part.

17 F. After the successful completion of the assigned term at the transitional
18 facility, the veteran shall be granted a hearing before the committee on parole. If the
19 veteran is granted parole, then the veteran shall be released on parole or released on
20 diminution of sentence. Any veteran whose parole is revoked shall not be eligible to
21 participate in the program.

22 §1199.25. Mentor program for Veterans Court probation program; job assistance

23 A. Veterans shall serve as mentors of the Veterans Court probation program
24 upon receiving a favorable recommendation by the Board of Pardons based on a pre-
25 screen assessment developed by the Board of Pardons. As mentors, these
26 incarcerated veterans may serve as liaisons between the program and the participant.
27 Each mentor shall work in close association with the court and its officers to assist
28 in coordinating strategies for careful monitoring and the production of effective
29 assistance for the success of the participant. The purpose of the mentor role is to
30 serve as the first line of defense against relapse and recidivism.

1 B. The department, through placement of the offender in a transitional work
2 program, shall facilitate work opportunities for veterans participating in the Post-
3 Conviction Veterans Mentor Program.

4 C.(1) Any mentor who is employed shall be responsible for the cost of his
5 room, board, clothing, and other necessary expenses unless other means of payment
6 are approved by the department.

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 veteran.

13 (d) Any court-ordered restitution, or restitution owed to the department, or
14 any other obligations acknowledged by the veteran 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 veteran 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
30 facilities shall be established in such places throughout the state as are deemed

1 necessary by the director. Such facilities shall be operated and maintained for those
2 veterans who serve as mentors for the Veterans Court probation program and those
3 veterans who have strong rehabilitation potential.

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____