

2022 Regular Session

HOUSE BILL NO. 223

BY REPRESENTATIVES MARCELLE AND MARINO

COURTS: Provides relative to eligibility for the Reentry Court Specialty Program

1 AN ACT

2 To amend and reenact R.S. 13:5401(B)(1)(f), (g), and (h) and to repeal R.S.
3 13:5401(B)(1)(d) and (i), relative to reentry courts; to provide for participation in
4 workforce development sentencing programs; to provide for eligibility; to provide
5 relative to certain exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:5401(B)(1)(f), (g), and (h) are hereby amended and reenacted to
8 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 * * *

17 (f) The crime before the court shall not be a crime of violence as defined in
18 R.S. 14:2(B), including domestic violence; however, the provisions of this
19 Subparagraph shall not apply to any of the following crimes of violence:

20 (i) Aggravated battery (R.S. 14:34).

- 1 (ii) Second degree battery (R.S. 14:34.1).
- 2 (iii) Battery of a police officer (R.S. 14:34.2).
- 3 (iv) Disarming of a peace officer (R.S. 14:34.6).
- 4 (v) Aggravated assault (R.S. 14:37).
- 5 (vi) Aggravated assault with a firearm (R.S. 14:37.4).
- 6 (vii) Simple kidnapping (R.S. 14:45).
- 7 (viii) False imprisonment; offender armed with dangerous weapon (R.S.
- 8 14:46.1).
- 9 (ix) Aggravated arson (R.S. 14:51).
- 10 (x) Aggravated criminal damage to property (R.S. 14:55).
- 11 (xi) Aggravated burglary (R.S. 14:60).
- 12 (xii) Home invasion (R.S. 14:62.8).
- 13 (xiii) Second degree robbery (R.S. 14:64.4).
- 14 (xiv) Simple robbery (R.S. 14:65).
- 15 (xv) Purse snatching (R.S. 14:65.1).
- 16 (xvi) Aggravated flight from an officer (R.S. 14:108.1).
- 17 ~~(g) The defendant cannot be sentenced as a multiple offender in the present~~
- 18 ~~charge pursuant to R.S. 15:529.1.~~
- 19 ~~(h)~~ Other criminal proceedings alleging commission of a crime of violence
- 20 as defined in R.S. 14:2(B), except those listed in, shall not be pending against the
- 21 defendant.
- 22 ~~(i)~~(h) The crime before the court shall not be a charge of any crime that
- 23 resulted in the death of a person.
- 24 * * *
- 25 Section 2. R.S. 13:5401(B)(1)(d) and (i) are hereby repealed in their entirety.

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 223 Engrossed

2022 Regular Session

Marcelle

Abstract: Provides for expanded eligibility relative to participation in a workforce development sentencing program.

Present law provides that each district court may assign a certain division of the court as a reentry division of court. Provides that a reentry division of a court shall establish a workforce development sentencing program.

Present law provides that a defendant may participate in the workforce development sentencing program subject to multiple provisions of present law.

Present law provides that the court may recommend that a defendant participate in the workforce development sentencing program if all of the following criteria are satisfied:

- (1) The defendant meets the eligibility requirements for participation in the Offender Rehabilitation and Workforce Development Program as provided by present law (R.S. 15:1199.7(A) and (C)).
- (2) The defendant meets the suitability requirements as defined by best practices developed for the Offender Rehabilitation and Workforce Development Program as adopted by the La. Supreme Court.
- (3) The court determines that it is in the best interest of the community and in the interest of justice that the defendant be sentenced to the Offender Rehabilitation and Workforce Development Program.
- (4) The defendant is not sentenced to a term of incarceration which exceeds 10 years.
- (5) The defendant does not have any prior felony convictions for any offenses defined as a sex offense in present law (R.S. 15:541).
- (6) The crime before the court is not a crime of violence as defined in present law (R.S. 14:2(B)), including domestic violence.
- (7) The defendant is not sentenced as a multiple offender in the present charge pursuant to present law (R.S. 15:529.1).
- (8) Other criminal proceedings alleging commission of a crime of violence as defined in present law (R.S. 14:2(B)) are not pending against the defendant.
- (9) The crime before the court is not a charge of any crime that resulted in the death of a person.

Proposed law repeals present law to remove the criteria that the defendant not be sentenced to a term of incarceration which exceeds 10 years.

Proposed law further amends present law to expand eligibility to defendants who have committed certain crimes of violence as defined in present law (R.S. 14:2(B)):

- (1) Aggravated battery (R.S. 14:34).

- (2) Second degree battery (R.S. 14:34.1).
- (3) Battery of a police officer (R.S. 14:34.2).
- (4) Disarming of a peace officer (R.S. 14:34.6).
- (5) Aggravated assault (R.S. 14:37).
- (6) Aggravated assault with a firearm (R.S. 14:37.4).
- (7) Simple kidnapping (R.S. 14:45).
- (8) False imprisonment; offender armed with dangerous weapon (R.S. 14:46.1).
- (9) Aggravated arson (R.S. 14:51).
- (10) Aggravated criminal damage to property (R.S. 14:55).
- (11) Aggravated burglary (R.S. 14:60).
- (12) Home invasion (R.S. 14:62.8).
- (13) Second degree robbery (R.S. 14:64.4).
- (14) Simple robbery (R.S. 14:65).
- (15) Purse snatching (R.S. 14:65.1).
- (16) Aggravated flight from an officer (R.S. 14:108.1).

Proposed law removes the restriction on defendants who are habitual offenders from participating in a workforce development sentencing program.

(Amends R.S. 13:5401(B)(1)(f), (g), and (h); Repeals R.S. 13:5401(B)(1)(d) and (i))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Repeal a provision of present law (R.S. 13:5401(B)(1)(d)) that prohibits a defendant from participation in a workforce development sentencing program if the defendant is sentenced to a term of incarceration exceeding 10 years.
3. Remove references to specific crimes of violence.