

Regular Session, 2008

HOUSE BILL NO. 334

BY REPRESENTATIVES ELBERT GUILLORY, AUBERT, AUSTIN BADON, BARROW, BURRELL, FRANKLIN, GALLOT, GREENE, MICKEY GUILLORY, HARDY, HAZEL, HENDERSON, HOWARD, LAFONTA, LOPINTO, NORTON, RICHMOND, GARY SMITH, PATRICIA SMITH, TEMPLET, WHITE, AND WILLIAMS AND SENATORS CRAVINS, DORSEY, GRAY, JACKSON, MARTINY, AND MURRAY

CORRECTIONS: Enacts the Inmate Rehabilitation and Workforce Development Act

1 AN ACT

2 To enact Part XVIII of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to

3 be comprised of R.S. 15:1199.1 through 1199.16, relative to inmate workforce

4 development; to enact the Inmate Rehabilitation and Workforce Development Act;

5 to provide for the development and administration of the inmate rehabilitation and

6 workforce development program; to provide for definitions; to provide for legislative

7 findings; to create the inmate rehabilitation and workforce development advisory

8 council; to provide for the membership of the council; to provide for the powers and

9 duties of the council; to authorize the receipt of per diem by certain members of the

10 council; to provide for the purposes of the program; to provide for the components

11 of the program; to provide for applicability; to provide for inmate eligibility for

12 participation in the program; to provide for selection of eligible inmates; to provide

13 for the duration of the program; to provide criteria for removal from the program; to

14 provide for rulemaking; to provide for annual reporting; to provide for the powers,

15 duties, and responsibilities of the Department of Public Safety and Corrections

16 regarding the implementation and administration of the program; to authorize and

17 provide for workforce development work-release programs; to provide for the

18 collection and distribution of inmate wages; to provide for substance abuse

1 counseling and treatment; to provide for mandatory and random drug testing of
2 inmates; and to provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. Part XVIII of Chapter 7 of Title 15 of the Louisiana Revised Statutes of
5 1950, comprised of R.S. 15:1199.1 through 1199.16, is hereby enacted to read as follows:

6 PART XVIII. INMATE REHABILITATION

7 AND WORKFORCE DEVELOPMENT

8 §1199.1. Short title

9 This Part may be referred to and may be cited as the "Inmate Rehabilitation
10 and Workforce Development Act".

11 §1199.2. Legislative findings

12 A. The goals of incarceration in the criminal justice system are:

13 (1) To protect the citizens of the state of Louisiana.

14 (2) To punish conduct which is defined as criminal by the legislature.

15 (3) To deter future conduct which is defined as criminal by the legislature.

16 (4) To rehabilitate offenders so that they may be reintroduced into society
17 as law-abiding citizens.

18 B. The state of Louisiana is experiencing a severe shortage of skilled
19 craftsmen. As a result of this workforce shortage, industries which depend upon
20 skilled craftsmen are required to recruit and employ workers who are not Louisiana
21 residents.

22 C. Within the prison system, there are Louisiana residents who have been
23 convicted of nonviolent offenses who could be trained as skilled craftsmen to fill the
24 workforce demand.

25 D. The legislature recognizes that an essential component of reducing
26 recidivism is providing an individual with the necessary occupational skills to afford
27 him the opportunity to earn a living, support his family, and contribute to his
28 community.

1 E. The legislature also recognizes that in addition to occupational skills
2 development, it is absolutely essential to provide the proper substance abuse
3 counseling, mentoring, and other programs to assist individuals as they return to their
4 communities with a focus on breaking the cycle that prevents them from moving
5 forward with their lives.

6 F. With the goals of protecting the public, reducing recidivism,
7 rehabilitation, and improving the skilled workforce of the state of Louisiana, the
8 Louisiana Legislature enacts the Inmate Rehabilitation and Workforce Development
9 Act.

10 §1199.3. Definitions

11 As used in this Part, the following words have the following meanings:

12 (1) "Council" means the Inmate Rehabilitation and Workforce Development
13 Advisory Council.

14 (2) "Craft" means an occupation or trade requiring manual dexterity,
15 specified training, and certification or licensing.

16 (3) "Department" means the Louisiana Department of Public Safety and
17 Corrections.

18 (4) "Program" means the inmate rehabilitation and workforce development
19 program operated by the Department of Public Safety and Corrections as authorized
20 by the provisions of this Part.

21 (5) "Secretary" means the secretary of the Louisiana Department of Public
22 Safety and Corrections.

23 (6) "Skilled craftsman" means a person who has completed training and
24 certification or licensing in a skilled craft or an apprentice occupation as defined by
25 the Louisiana Department of Labor which may include but is not limited to electrical,
26 plumbing, pipefitting, welding, millwright, heavy equipment operation, carpentry,
27 heating, ventilation and air-conditioning, heavy construction, building construction,
28 or machinist.

1 (7) "Workforce development work release" means a program for on-the-job
2 training of inmates who have completed the inmate rehabilitation and workforce
3 development program authorized by the provisions of this Part.

4 §1199.4. Inmate Rehabilitation and Workforce Development Advisory Council;
5 creation; members; powers and duties

6 A. The Inmate Rehabilitation and Workforce Development Advisory
7 Council is hereby created within the Department of Public Safety and Corrections.

8 B. The council shall be domiciled in East Baton Rouge Parish.

9 C. The council shall be comprised of eleven members.

10 D. Six members of the council shall be comprised as follows:

11 (1) The secretary of the Department of Public Safety and Corrections, or his
12 designee.

13 (2) The secretary of the Department of Labor, or his designee.

14 (3) The secretary of the Department of Health and Hospitals, or his designee.

15 (4) The president of the Louisiana Community and Technical College
16 System, or his designee.

17 (5) The president of the Senate shall appoint one member from the standing
18 committee in the Senate having criminal law and procedure subject matter
19 jurisdiction.

20 (6) The speaker of the House shall appoint one member from the standing
21 committee in the House having criminal law and procedure subject matter
22 jurisdiction.

23 E. The governor shall appoint five members in accordance with the
24 following provisions:

25 (1) One member shall be appointed from a list of three nominees submitted
26 by the Louisiana Sheriff's Association.

27 (2) One member shall be appointed from a list of three nominees submitted
28 by the Louisiana Association of Building Contractors.

1 (3) One member shall be appointed from a list of three nominees submitted
2 by the Louisiana Association of Business and Industry.

3 (4) One member shall be appointed from a list of three members nominated
4 by the president of the Louisiana AFL-CIO.

5 (5) One member shall be appointed from a list of three members nominated
6 by the Louisiana Building and Construction Trades Council.

7 F. Members, other than the secretaries, or their designees, or employees of
8 the state, may receive a per diem of seventy-five dollars for each day spent in actual
9 attendance of meetings of the council. Members may also receive a mileage
10 allowance for mileage traveled in attending meetings of the council. The mileage
11 allowance shall be fixed by the council in an amount not to exceed the mileage rate
12 for state employees.

13 G. Six members shall constitute a quorum, and all actions of the council shall
14 require the affirmative vote of at least six members.

15 H. The governor shall appoint the chairman of the council, and the council
16 shall annually elect a vice chairman from among its members.

17 I. The council shall meet at least quarterly and may meet upon the call of the
18 chairman or any three members. Meetings of the council shall be open to the public
19 in accordance with law.

20 J. A vacancy on the council shall be filled in the same manner as the original
21 appointment.

22 K. Appointed members of the council shall serve four-year terms.

23 L. The secretary shall provide the council with necessary clerical personnel.

24 M. The council shall serve as an advisory body to the secretary on the
25 administration of the program as authorized by this Part.

26 §1199.5. Administration of program; purposes

27 A. The secretary shall administer the provisions of this Part.

28 B. The department shall operate the inmate rehabilitation and workforce
29 development program for the following purposes:

1 (1) To provide inmates with employment skills and job training and
2 employment once they have completed the program.

3 (2) To develop a workforce of skilled craftsmen.

4 (3) To provide inmates with the necessary substance abuse counseling,
5 mentoring, and other programs to assist them in returning to their communities with
6 a focus on breaking the cycle of substance abuse, criminal behavior, and violence
7 that prevents them from moving forward with their lives.

8 (4) To reduce the rate of recidivism by providing inmates with the necessary
9 occupational training, educational opportunities, and substance abuse counseling to
10 allow them to have meaningful alternatives to criminal behavior and substance
11 abuse.

12 C.(1) The department may enter into cooperative endeavors with and request
13 studies or reports from private citizens, the Louisiana Department of Labor, the
14 Louisiana Department of Education, and the Louisiana community and technical
15 colleges in this state for the purposes of encouraging the development of training
16 facilities to produce skilled craftsmen for employment in Louisiana industries.

17 (2) Should the department enter into cooperative endeavors or receive
18 studies or reports as provided in Paragraph (1) of this Subsection, it shall do the
19 following:

20 (a) Prepare an annual written summary of any recommendations made within
21 three years preceding the date of the summary by any person or entity who is
22 participating or has participated in a cooperative endeavor or who is making or has
23 made a study or report.

24 (b) Prepare a report of the specific actions taken by the department with
25 regard to the recommendations.

26 (c) Prepare a report of the reasons why any recommendation was not fully
27 implemented.

28 (d) Transmit the summary and the reports to the House Committee on
29 Administration of Criminal Justice, the Senate Committee on Judiciary B, the

1 Legislative Fiscal Office, and the persons or entities which made the
2 recommendations by April first of each year.

3 D. The department may enter into cooperative endeavors or contracts with
4 the Louisiana Department of Labor, the Louisiana Department of Education, and the
5 Louisiana community and technical colleges, educational institutions, training
6 facilities, and service providers to provide the intensive training programs necessary
7 for proper certification or licensing of skilled craftsmen as authorized by the
8 provisions of this Part.

9 E. The department may enter into cooperative endeavors or contracts with
10 service providers to provide substance abuse treatment and counseling or halfway
11 housing to inmates who participate in the program.

12 F. In the administration of this program, the secretary, with the assistance of
13 the council shall:

14 (1) Make an annual report to the legislature regarding the program. The
15 report shall include at a minimum:

16 (a) Recommendations for all needed changes in the law regarding the
17 operation and administration of the program.

18 (b) A complete report on the receipt and expenditure of all funds received
19 by the department for operation of the program.

20 (c) Comprehensive data regarding the number of inmates who are enrolled
21 in the program, have graduated the program, and who have been assigned to
22 workforce development work release.

23 (2)(a) Establish, and modify as necessary, a plan of organization to
24 administer the program efficiently and thoroughly.

25 (b) The plan of organization shall provide for the capacity to:

26 (i) Administer the granting of contracts.

27 (ii) Analyze and review investigative and audit reports and findings.

28 (iii) Provide for enforcement of department rules as is necessary to the
29 efficient and thorough operation of the program.

1 (3) Approve, prior to its presentation to the legislature and after
2 appropriation but prior to allocation, the budget for the administration and operation
3 of the program.

4 (4) Issue a written response to any formal request from the governor and the
5 legislature or any committee thereof.

6 (5) Appear before any committee of the legislature upon request of the
7 president of the Senate, the speaker of the House, or the chairman of any legislative
8 committee.

9 (6) Prepare and submit for review to the Joint Legislative Committee on the
10 Budget on or before March first of each year an annual financial report which
11 outlines the expenditures of all funds for the previous calendar year.

12 (7) Collect, prepare, and submit an annual report to the legislative auditor.

13 G. The secretary shall coordinate with the secretary of the Louisiana
14 Department of Labor to ensure that the administration of the program as provided by
15 this Part and the programs administered by the Louisiana Department of Labor do
16 not provide duplicative or conflicting services to the same individuals. All efforts
17 shall be coordinated and consistent with R.S. 23:1 et seq.

18 §1199.6. Rulemaking

19 A. The secretary, with the advice of the council, shall adopt rules necessary
20 to implement the provisions of this Part.

21 B. The rules shall include but not be limited to:

22 (1) Guidelines and criteria for eligibility to participate in the program.

23 (2) Guidelines and criteria for continued participation and successful
24 completion of the program.

25 (3) Guidelines for proper documentation and certification or licensing for
26 work specialities upon completion of the program.

27 (4) Guidelines for transportation to and from work projects.

28 (5) Guidelines for the supervision, custody, and control of inmates
29 participating in the program.

1 (6) Guidelines for establishing necessary security and safety provisions
2 regarding participation in the program.

3 (7) Guidelines for the establishment and maintenance of inmate
4 compensation and savings accounts for participating in the program.

5 (8) Procedures and guidelines for monitoring the program, including annual
6 on-site surveys.

7 (9) Qualifications and training of staff.

8 (10) Guidelines for the workforce development work-release program for
9 graduates of the inmate rehabilitation and workforce development program.

10 (11) Guidelines for determining inmate selection of particular crafts in
11 accordance with this Part.

12 (12) Criteria for the selection and authorization of educational institutions,
13 training facilities, and service providers to provide intensive training programs
14 necessary for proper certification and licensing of skilled craftsmen.

15 (13) Criteria for the selection and authorization of service providers to
16 provide substance abuse treatment and counseling or halfway housing to inmates
17 who participate in the program.

18 (14) Guidelines for the administration of mandatory and random drug testing
19 for controlled dangerous substances in accordance with this Part.

20 (15) Guidelines for removal from the program.

21 C. All rules shall be adopted pursuant to the provisions of the Administrative
22 Procedure Act and shall be subject to legislative oversight by the House Committee
23 on the Administration of Criminal Justice and the Senate Committee on Judiciary B.
24 §1199.7. Inmate eligibility for program; prohibitions

25 A. An inmate may be eligible for participation in the program for any of the
26 following:

27 (1) The inmate is sentenced to be committed to the Department of Public
28 Safety and Corrections to serve five years or less for a first or second offense for

1 possession of a controlled dangerous substance as provided for in the Uniform
2 Controlled Dangerous Substances Law.

3 (2) The inmate is sentenced to be committed to the Department of Public
4 Safety and Corrections to serve five years or less for a first or second offense for
5 distribution, dispensing, or possession with intent to produce, manufacture,
6 distribute, or dispense a controlled dangerous substance as provided for in the
7 Uniform Controlled Dangerous Substances Law.

8 (3) The offender is sentenced to be committed to the Department of Public
9 Safety and Corrections to serve five years or less for a nonviolent first felony
10 offense.

11 (4) The inmate has submitted to a drug test for controlled dangerous
12 substances as provided for in R.S. 15:1199.16 and has tested negative for the
13 presence of controlled dangerous substances.

14 B. An inmate convicted of any of the following offenses shall not be eligible
15 for participation in the program:

16 (1) A sex offense as defined in R.S. 15:541(14.1).

17 (2) A crime of violence as defined in R.S. 14:2(B).

18 (3) A habitual offender in accordance with R.S. 15:529.1.

19 §1199.8. Eligible inmate selection and participation in program

20 A. An inmate who is eligible to participate in the program as provided for
21 in R.S. 15:1199.7 may be considered for participation in the program if all of the
22 following occur:

23 (1) The staff at the adult reception and diagnostic center, after a thorough
24 evaluation, determine that the offender is suitable and appropriate for participation
25 in the program.

26 (2) The secretary, or his designee, determines that the inmate meets the
27 guidelines and criteria established by rule for participation in the program.

28 (3) The secretary, or his designee, after an evaluation, determines that the
29 inmate is particularly likely to respond affirmatively to participation in the program.

1 (4) The inmate meets other conditions of participation or rules adopted as
2 provided by the provisions of this Part.

3 (5) The inmate voluntarily enrolls in the program after having been advised
4 by the department of the rules and regulations governing participation in the
5 program.

6 B. The participating inmate shall be evaluated by the program staff on a
7 continual basis. The evaluation shall include the performance of the inmate while
8 participating in the program, the likelihood of successful completion of the program,
9 the likelihood of successful employment following completion of the program, and
10 other factors deemed relevant by the secretary, the council, or the program staff. The
11 evaluation shall provide the basis for any recommendations by the department upon
12 the completion of the program by the inmate.

13 C. Violation of any institutional or program rules or regulations may subject
14 the inmate to removal from the program by the department.

15 §1199.9. Workforce development work-release for graduates of program
16 administered by the department

17 A. Notwithstanding the provisions of R.S. 15:711 or 1111 or any other
18 provision of law to the contrary, an inmate who has graduated from the program and
19 obtained the proper certification or licensing as a skilled craftsman may participate
20 in a workforce development work-release program administered by the department.

21 B. Workforce development work-release shall be for inmates who have
22 graduated from the inmate rehabilitation and workforce development program and
23 have been certified or licensed as skilled craftsmen.

24 C. The department shall designate and adapt facilities for the purpose of
25 quartering inmates with workforce development work-release privileges, or it may
26 arrange and contract for other facilities, including but not limited to portions of
27 parish jails for inmates employed in the area.

28 D. Every inmate with workforce development work-release privileges shall
29 be liable for the cost of his room, clothing, and other necessary expenses of his

1 employment or placement unless other means of payment are approved by the
2 department.

3 E. The wages of any inmate so employed shall be collected by the secretary
4 or his designated agent, shall be deposited in a public banking institution, and a
5 ledger showing the financial status of each inmate on the program shall be kept.

6 F. The wages of each inmate shall be disbursed by the department for the
7 following purposes and in the order stated:

8 (1) The expenses of the board of the inmate including food and clothing.

9 (2) Necessary travel expenses to and from work and other incidental
10 expenses of the inmate.

11 (3) Any tuition, books, or other costs associated with the program which are
12 required to be paid by participants in the program.

13 (4) Any necessary fees for the examination for certification or licensing in
14 a craft.

15 (5) Any certification or licensing fees required to become a skilled
16 craftsman.

17 (6) Any court-ordered child support owed by the inmate. The support may
18 be payed in installments approved by the department.

19 (7) Any court-ordered restitution, or restitution owed to the department, or
20 any other obligations acknowledged by the inmate in writing, or which have been
21 reduced to judgment. The obligations may be paid in installments approved by the
22 department.

23 (8) Any drug testing as required by the provisions of this Part.

24 (9) The balance, if any, to the inmate upon his discharge.

25 G. The wages of an inmate so employed shall not be less than the customary
26 wages for an employee performing similar services.

27 H. Deductions for room, board, and other administrative costs resulting from
28 participation in a workforce development work-release program authorized by this
29 Section shall not exceed seventy-five percent of the wages received by an inmate.

1 §1199.10. Workforce development work-release for graduates of the program
2 administered by the sheriff

3 A. The sheriff of each parish, and in Orleans Parish, the criminal sheriff, is
4 hereby authorized to enter into a cooperative endeavor with the department to
5 administer a workforce development work-release program for inmates sentenced
6 to the department who are confined in any jail or prison in his jurisdiction. In the
7 event that the inmate is confined to a parish correctional facility not operated by the
8 sheriff, the superintendent of the correctional facility is hereby authorized to enter
9 into a cooperative endeavor with the department to administer a workforce
10 development work-release program for inmates sentenced to the department who are
11 confined to a correctional facility in his jurisdiction, and "sheriff" as used herein
12 shall also mean superintendent of the correctional facility where the inmate is
13 confined.

14 B.(1) Only an inmate who has graduated from the inmate rehabilitation and
15 workforce development program and obtained the proper certification or licensing
16 as a skilled craftsman may participate in a workforce development work-release
17 program administered by the sheriff.

18 (2) Eligibility for participation in workforce development work-release as
19 provided by this Section shall be determined by the provisions of this Part and any
20 rules adopted by the department.

21 (3) Each sheriff may establish additional written rules for the administration
22 of the workforce development work-release program administered by his office.

23 C. The sheriff may enter into contracts with educational institutions, training
24 facilities, and service providers to provide the intensive training programs necessary
25 for proper certification or licensing as a skilled craftsman as authorized by the
26 provisions of this Part.

27 D. Every inmate with workforce development work-release privileges shall
28 be liable for the cost of his room, clothing, and other necessary expenses of his

1 employment or placement unless other means of payment are approved by the
2 department.

3 E. The wages of any inmate so employed shall be collected by the sheriff or
4 his designated agent and shall be deposited in a public banking institution, and a
5 ledger showing the financial status of each inmate shall be kept.

6 F. The wages of each inmate shall be disbursed by the sheriff for the
7 following purposes and in the order stated:

8 (1) The expenses of the board of the inmate including food and clothing.

9 (2) Necessary travel expenses to and from work and other incidental
10 expenses of the inmate.

11 (3) Any tuition, books, or other costs associated with the program which are
12 required to be paid by participants in the program.

13 (4) Any necessary fees for the examination for certification or licensing in
14 a craft.

15 (5) Any certification or licensing fees required to become a skilled
16 craftsman.

17 (6) Any court-ordered child support owed by the inmate. The support may
18 be paid in installments approved by the department.

19 (7) Any court-ordered restitution, or restitution owed to the department, or
20 any other obligations acknowledged by the inmate in writing, or which have been
21 reduced to judgment. The obligations may be paid in installments approved by the
22 department.

23 (8) Any drug testing as required by the provisions of this Part.

24 (9) The balance, if any, to the inmate upon his discharge.

25 G. The wages of an inmate so employed shall not be less than the customary
26 wages for an employee performing similar services.

27 H. Deductions for room, board, and other administrative costs resulting from
28 participation in a work-release program authorized by this Section shall not exceed
29 seventy-five percent of the wages received by an inmate.

1 §1199.11. Traditional work-release programs not affected

2 Participation in workforce development work-release programs as authorized
3 by the provisions of R.S. 15:1199.9 and 1199.10 shall not be construed to prohibit
4 an inmate from participating in a work-release program authorized by the provisions
5 of R.S. 15:711 or 1111 if the inmate is otherwise eligible for participation. However,
6 only those inmates who have graduated from the program and have been certified or
7 licensed as skilled craftsmen may participate in workforce development work-release
8 as authorized by the provisions of R.S. 15:1199.9 and 1199.10.

9 §1199.12. Program duration; development; selection of craft

10 A. The program shall be designed to last for two years.

11 B. The department, with advice from the board, shall assist each inmate in
12 selecting a craft as provided for in this Part.

13 C. The pairing of the inmate with a particular craft shall be determined by
14 all of the following:

15 (1) The skills, interests, and abilities of the inmate. This shall include actual
16 demonstration and simulation of the respective crafts.

17 (2) Likelihood of successful job placement and opportunity upon graduation
18 from the program, including the need for particular craftsmen at the time the inmate
19 enters the program.

20 (3) The availability of training facilities, instructors, and the number of
21 inmates enrolled for particular crafts.

22 D.(1) Eligible inmates who have been admitted to the program shall
23 participate in a one-year intensive training program in a selected craft.

24 (2) Upon completion of the one-year intensive training program, the inmate
25 shall qualify for any necessary examination to become a skilled craftsman.

26 (3) The inmate shall take any necessary examination required for
27 certification or licensing as a skilled craftsman.

1 (4) Upon successful completion of any certification or licensing as a skilled
2 craftsman, the inmate shall begin a one-year workforce development work-release
3 program.

4 E. Upon completion of the one-year workforce development work-release
5 program, the inmate shall be placed upon supervised parole for the remainder of his
6 sentence.

7 §1199.13. Removal from program

8 A. An inmate may be removed from the program for any of the following:

9 (1) Willful failure to comply with the rules of the program.

10 (2) Willful failure to participate in any educational or skills development
11 component of the program.

12 (3) Any action taken which results in disciplinary proceedings by the
13 department.

14 (4) Failure to take examinations necessary to receive certification or
15 licensing as a skilled craftsman.

16 (5) Failure to submit to random drug testing as provided for by the
17 department.

18 (6) Testing positive for any controlled dangerous substances as provided for
19 by the provisions of this Part.

20 (7) Any other reason deemed by the department to render the inmate
21 ineligible to complete the program.

22 B. Removal from the program shall be at the discretion of the department
23 based upon criteria developed by rules adopted in accordance with the provisions of
24 the Administrative Procedure Act.

25 C. An inmate removed from the program shall be returned to the custody of
26 the department for the remainder of his sentence.

27 D. An inmate removed from the program shall forfeit any diminution of
28 sentence or good time earned as a result of participation in the program.

1 §1199.14. Substance abuse treatment and counseling

2 A. The department may enter into cooperative endeavors or contracts with
3 the Department of Health and Hospitals, educational institutions, training facilities,
4 and service providers to provide for substance abuse treatment and counseling for
5 inmates participating in the program.

6 B. The department with the assistance of the council shall determine the
7 amount of substance abuse treatment and counseling that inmates who participate in
8 the program shall receive.

9 §1199.15. Authorized providers for intensive training

10 The department with the assistance of the council shall develop a list of
11 authorized educational institutions, training facilities, and service providers
12 authorized to provide intensive training programs necessary for proper certification
13 and licensing of skilled craftsmen as authorized by the provisions of this Part.

14 §1199.16. Drug testing

15 A. Prior to acceptance into the program, an inmate shall submit to a drug test
16 for the presence of controlled dangerous substances as provided for in Subsection B
17 of this Section.

18 B. Drug testing shall be performed to determine the presence of
19 phencyclidine (PCP), opiates (heroin), cocaine, methadone, amphetamines, or
20 marijuana, prior to acceptance into the program.

21 C. Once an inmate is accepted into the program, the inmate agrees to random
22 drug testing to verify that he is drug free.

23 D. If an inmate tests positive for a controlled dangerous substance as
24 provided for in Subsection B of this Section, he may be removed from the program
25 and returned to the custody of the department for the remainder of his sentence.

26 E. The costs of drug testing authorized by this Section shall be paid for by
27 the inmate.

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)]

Elbert Guillory

HB No. 334

Abstract: Creates the inmate rehabilitation and workforce development program.

Proposed law creates the inmate rehabilitation and workforce development program to be administered by DPS&C.

Proposed law creates the inmate rehabilitation and workforce development advisory council to function as an advisory body for DPS&C in administering the program.

Proposed law provides that the council shall be composed of 11 members, selected from various state agencies, the legislature, and lists submitted to the governor by certain associations.

Proposed law provides that members, other than the secretaries, or their designees, or employees of the state, may receive a \$75 per diem for each day spent in actual attendance of meetings of the council. Members may also receive a mileage allowance for mileage traveled in attending meetings.

Proposed law provides that DPS&C may enter into cooperative endeavors or contracts with the La. Dept. of Labor, the La. Dept. of Education, and the La. community and technical colleges, educational institutions, training facilities, and service providers to provide the intensive training programs necessary for proper certification or licensing of skilled craftsmen and to provide substance abuse treatment and counseling or halfway housing to inmates who participate in the program.

Proposed law provides for the administration of this program by the secretary and the assistance of the council.

Proposed law provides that DPS&C shall adopt all rules necessary to implement the provisions of proposed law and that those rules shall be adopted in accordance with the APA.

Proposed law provides criteria for an inmate's eligibility for participation in the program.

Proposed law provides that the following inmates are not eligible to participate in the program:

- (1) A person convicted of a sex offense.
- (2) A person convicted of a crime of violence.
- (3) A person sentenced as a habitual offender.

Proposed law provides separate criteria for an inmate to be considered for participation in the program.

Proposed law further provides that the participating inmate shall be evaluated by the program staff on a continual basis.

Proposed law requires the program to last for two years and requires DPS&C to assist each inmate in selecting a craft.

Proposed law provides that eligible inmates who have been admitted to the program shall participate in one-year intensive training in a selected craft. Upon completion of the program, the inmate shall qualify for any necessary examination to become a skilled craftsman. The inmate shall take any necessary examination for certification or licensing as a skilled craftsman and shall begin a one-year workforce development work-release program. Upon completion of the program, the inmate shall be placed upon supervised parole for the remainder of his sentence.

Proposed law provides criteria for the removal of the inmate from the program.

Proposed law provides that prior to acceptance into the program, an inmate shall submit to a drug test for the presence of controlled dangerous substances and, once accepted into the program, he agrees to random drug testing to verify that he remains drug free.

Proposed law authorizes DPS&C and sheriffs to administer a workforce development work-release program for graduates of the inmate rehabilitation and workforce development program.

Proposed law provides for the distribution of the wages earned by the inmate.

Proposed law provides that the wages of an inmate so employed shall be not less than the customary wages for an employee performing similar services. Deductions for room, board, and other administrative costs resulting from participation in a workforce development work-release program shall not exceed 75% of the wages received by an inmate.

Proposed law requires efforts be coordinated with Dept. of Labor so that programs are consistent and not duplicated.

(Adds R.S. 15:1199.1-1199.16)

Summary of Amendments Adopted by House

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

1. Requires DPS&C and Dept. of Labor to work together so that programs are coordinated and not duplicated.