

Regular Session, 2008

HOUSE BILL NO. 334

BY REPRESENTATIVES ELBERT GUILLORY, AUBERT, AUSTIN BADON, BOBBY BADON, BARROW, BILLIOT, BURRELL, CORTEZ, DIXON, FRANKLIN, GALLOT, GISCLAIR, GREENE, MICKEY GUILLORY, HARDY, HAZEL, HENDERSON, HONEY, HOWARD, HUTTER, ROSALIND JONES, LAFONTA, LEBAS, LEGER, LIGI, LOPINTO, MONICA, MORRELL, MORRIS, NORTON, PETERSON, RICHMOND, GARY SMITH, PATRICIA SMITH, ST. GERMAIN, TEMPLET, TRAHAN, WHITE, AND WILLIAMS AND SENATORS CRAVINS, DORSEY, GRAY, JACKSON, MARTINY, MURRAY, ADLEY, ALARIO, AMEDEE, BROOME, CASSIDY, CHAISSON, CHEEK, CROWE, DONAHUE, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, HEBERT, HEITMEIER, KOSTELKA, LAFLEUR, LONG, MARIONNEAUX, MCPHERSON, MICHOT, MOUNT, NEVERS, QUINN, RISER, AND WALSWORTH

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.

29 E. The legislature also recognizes that in addition to occupational skills
30 development, it is absolutely essential to provide proper substance abuse counseling,

1 mentoring, and other programs to assist individuals as they return to their
2 communities with a focus on breaking the cycle that prevents them from moving
3 forward with their lives.

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

8 §1199.3. Definitions

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

10 (1) "Council" means the Inmate Rehabilitation and Workforce Development
11 Advisory Council.

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

14 (3) "Department" means the Louisiana Department of Public Safety and
15 Corrections.

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

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

21 (6) "Skilled craftsman" means a person who has completed training and
22 certification or licensing in a skilled craft or an apprentice occupation as defined by
23 the Louisiana Department of Labor which may include but is not limited to
24 electrician, plumber, pipefitter, welder, millwright, heavy equipment operator,
25 carpenter, heating, ventilation and air-conditioning technician, heavy construction,
26 building construction, or machinist.

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

1 §1199.4. Inmate Rehabilitation and Workforce Development Advisory Council;
2 creation; members; powers and duties

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

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

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

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

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

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

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

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

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

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

20 E. The governor shall appoint five members in accordance with the
21 following provisions:

22 (1) One member shall be appointed from a list of three nominees submitted
23 by the Louisiana Sheriffs Association.

24 (2) One member shall be appointed from a list of three nominees submitted
25 by the Louisiana Association of Builders and Contractors.

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

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

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

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

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

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

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

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

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

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

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

22 §1199.5. Administration of program; purposes

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

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

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

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

29 (3) To provide inmates with the necessary substance abuse counseling,
 30 mentoring, and other programs to assist them in returning to their communities with

1 a focus on breaking the cycle of substance abuse, criminal behavior, and violence
 2 that prevents them from moving forward with their lives.

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

7 C.(1) The department may enter into cooperative endeavors or contracts with
 8 and request studies or reports from private citizens, the Louisiana Department of
 9 Labor, the Louisiana Department of Education, and the Louisiana community and
 10 technical colleges in this state for the purpose of encouraging the development of
 11 training facilities to produce skilled craftsmen for employment in Louisiana
 12 industries.

13 (2) Should the department enter into cooperative endeavors or contracts or
 14 receive studies or reports as provided in Paragraph (1) of this Subsection, it shall
 15 transmit the summary and the reports to the House Committee on Administration of
 16 Criminal Justice, the Senate Committee on Judiciary B, the Legislative Fiscal Office,
 17 and the persons or entities which made the recommendations by April first of each
 18 year.

19 D. The department may enter into cooperative endeavors or contracts with
 20 the Louisiana Department of Labor, the Louisiana Department of Education, and the
 21 Louisiana community and technical colleges, educational institutions, training
 22 facilities, and employers to provide the intensive training programs necessary for
 23 proper certification or licensing of skilled craftsmen as authorized by the provisions
 24 of this Part.

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

28 F. In the administration of this program, the secretary, with the assistance of
 29 the council shall:

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

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

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

7 (c) Comprehensive data regarding the number of inmates who are enrolled
8 in the program, have graduated from the program, and who have been assigned to
9 workforce development work release.

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

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

13 (i) Administer the granting of cooperative endeavors or contracts.

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

15 (iii) Provide for enforcement of department rules or regulations as is
16 necessary to provide for the efficient and thorough operation of the program.

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

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

22 (5) Appear before any committee of the legislature upon request of the
23 president of the Senate, the speaker of the House, or the chairman of any legislative
24 committee.

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

28 (7) Collect, prepare, and submit an annual report to the legislative auditor on
29 June thirtieth each year.

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

6 §1199.6. Rulemaking

7 A.(1) The secretary, with the advice of the council, shall adopt rules
 8 necessary to implement the provisions of this Part.

9 (2) In order to efficiently implement the provisions of this Part, if the
 10 secretary has previously adopted rules or regulations which can be used to satisfy the
 11 requirements of this Part, then the secretary shall not be required to adopt new or
 12 duplicative rules or regulations. The secretary, with the advice of the council, may
 13 designate previously adopted rules or regulations as sufficient to implement the
 14 provisions of this Part.

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

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

17 (2) Guidelines and criteria for continued participation and successful
 18 completion of the program.

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

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

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

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

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

28 (8) Procedures and guidelines for monitoring the program, including annual
 29 on-site audits.

30 (9) Qualifications and training of staff.

1 (10) Guidelines for the workforce development work release program for
2 graduates of the inmate rehabilitation and workforce development program.

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

5 (12) Criteria for the selection and authorization of educational institutions,
6 training facilities, and employers to provide intensive training programs necessary
7 for proper certification and licensing of skilled craftsmen.

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

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

13 (15) Guidelines for removal from the program.

14 C. All rules shall be adopted pursuant to the provisions of the Administrative
15 Procedure Act and shall be subject to legislative oversight by the House Committee
16 on the Administration of Criminal Justice and the Senate Committee on Judiciary B.
17 §1199.7. Inmate eligibility for program; prohibitions

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

20 (1) The inmate is sentenced to the custody of the Department of Public
21 Safety and Corrections to serve seven years or less for a first or second offense for
22 possession of a controlled dangerous substance as provided for in the Uniform
23 Controlled Dangerous Substances Law.

24 (2) The inmate is sentenced to the custody of the Department of Public
25 Safety and Corrections to serve seven years or less for a first or second offense for
26 distribution, dispensing, or possession with intent to produce, manufacture,
27 distribute, or dispense a controlled dangerous substance as provided for in the
28 Uniform Controlled Dangerous Substances Law.

1 (3) The offender is sentenced to the custody of the Department of Public
2 Safety and Corrections to serve seven years or less for a nonviolent first felony
3 offense.

4 B. Prior to acceptance into the program, an inmate shall submit to a drug test
5 for the presence of controlled dangerous substances administered by the department.
6 The inmate shall test negative for the presence of controlled dangerous substances
7 in order to be eligible for participation in the program.

8 C. An inmate convicted of any of the following offenses shall not be eligible
9 for participation in the program:

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

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

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

13 §1199.8. Eligible inmate selection and participation in program

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

17 (1) The staff at the adult reception and diagnostic centers, after a thorough
18 evaluation, determines that the offender is suitable and appropriate for participation
19 in the program.

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

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

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

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

29 B. The participating inmate shall be evaluated by the program staff on a
30 continual basis. The evaluation shall include the performance of the inmate while

1 participating in the program, the likelihood of successful completion of the program,
2 the likelihood of successful employment following completion of the program, and
3 other factors deemed relevant by the secretary, the council, or the program staff. The
4 evaluation shall provide the basis for any recommendations by the department upon
5 the completion of the program by the inmate.

6 C. Violation of any departmental or program rules or regulations may subject
7 the inmate to removal from the program by the department.

8 §1199.9. Workforce development work release for graduates of program
9 administered by the department

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

14 B. Workforce development work release shall be for inmates who have
15 graduated from the inmate rehabilitation and workforce development program and
16 have been certified or licensed as skilled craftsmen.

17 C. The department shall designate and adapt facilities for the purpose of
18 housing inmates with workforce development work release privileges, or it may
19 arrange and contract for other facilities, including but not limited to portions of
20 parish jails for inmates employed in the area.

21 D. Every inmate with workforce development work release privileges shall
22 be liable for the cost of his room, board, clothing, and other necessary expenses of
23 his employment or placement unless other means of payment are approved by the
24 department.

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

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

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

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

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

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

7 (5) Any certification or licensing fees required to become a skilled
 8 craftsman.

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

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

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

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

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

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

22 §1199.10. Workforce development work release for graduates of the program
 23 administered by the sheriff

24 A. The sheriff of each parish, and in Orleans Parish, the criminal sheriff, is
 25 hereby authorized to enter into a cooperative endeavor with the department to
 26 administer a workforce development work release program for inmates sentenced to
 27 the department who are confined in any jail or prison in his jurisdiction. In the event
 28 that the inmate is confined to a parish correctional facility not operated by the sheriff,
 29 the administrator of the correctional facility is hereby authorized to enter into a
 30 cooperative endeavor with the department to administer a workforce development

1 work release program for inmates sentenced to the department who are confined to
2 a correctional facility in his jurisdiction, and "sheriff" as used herein shall also mean
3 administrator of the correctional facility where the inmate is confined.

4 B.(1) Only an inmate who has graduated from the inmate rehabilitation and
5 workforce development program and obtained the proper certification or licensing
6 as a skilled craftsman may participate in a workforce development work release
7 program administered by the sheriff.

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

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

13 C. The sheriff may enter into contracts with educational institutions, training
14 facilities, and employers to provide the intensive training programs necessary for
15 proper certification or licensing as a skilled craftsman as authorized by the
16 provisions of this Part.

17 D. Every inmate with workforce development work release privileges shall
18 be liable for the cost of his room, clothing, and other necessary expenses of his
19 employment or placement unless other means of payment are approved by the
20 department.

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

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

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

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

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

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

3 (5) Any certification or licensing fees required to become a skilled
4 craftsman.

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

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

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

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

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

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

18 §1199.11. Traditional work release programs not affected

19 Participation in workforce development work release programs as authorized
20 by the provisions of R.S. 15:1199.9 and 1199.10 shall not be construed to prohibit
21 an inmate from participating in a work release program authorized by the provisions
22 of R.S. 15:711 or 1111 if the inmate is otherwise eligible for participation. However,
23 only those inmates who have graduated from the program and have been certified or
24 licensed as skilled craftsmen may participate in workforce development work release
25 as authorized by the provisions of R.S. 15:1199.9 and 1199.10.

26 §1199.12. Program duration; development; selection of craft

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

28 B. The department, with advice from the council, shall assist each inmate in
29 selecting a craft as provided for in this Part.

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

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

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

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

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

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

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

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

19 E. Upon completion of the one-year workforce development work release
20 program, the inmate shall be placed upon supervised parole for the remainder of his
21 sentence. It shall be a condition of the inmate's supervised parole that he maintain
22 employment as a skilled craftsman at a location approved by the department.

23 §1199.13. Removal from program

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

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

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

28 (3) Any action taken which results in disciplinary proceedings by the
29 department.

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

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

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

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

9 B. Removal from the program shall be at the discretion of the department
10 based upon criteria developed by rules or regulations adopted by the department.

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

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

15 §1199.14. Substance abuse treatment and counseling

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

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

23 §1199.15. Authorized providers for intensive training

24 The department, with the assistance of the council, shall develop a list of
25 educational institutions, training facilities, and employers authorized to provide
26 intensive training programs necessary for proper certification and licensing of skilled
27 craftsmen as authorized by the provisions of this Part.

1 §1199.16. Drug testing

2 A. Once an inmate is accepted into the program, the inmate agrees to random
3 drug testing to verify that he is drug free. Random drug testing shall be performed
4 in accordance with rules or regulations adopted by the department.

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

8 Section 2. This Act shall become effective upon signature by the governor or, if not
9 signed by the governor, upon expiration of the time for bills to become law without signature
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
12 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____