

Regular Session, 2013

SENATE BILL NO. 32

BY SENATOR CROWE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL PROCEDURE. Provides for special consideration for veterans who are arrested or convicted of a crime. (8/1/13)

AN ACT

To enact Code of Criminal Procedure Arts. 551(C), 871.2 and 875(F), relative to veterans arrested or convicted of a crime; to provide for arraignment of the defendant; to provide for the presentence inquiry of the veteran's status; to provide for presentence investigations of veterans; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Arts. 551(C), 871.2 and 875(F) are hereby enacted to read as follows:

Art. 551. Arraignment of defendant

* * *

C. At the time of arraignment, the court shall inquire and receive response, orally or in writing, whether the defendant is currently serving in or is a veteran of the armed forces of the United States. If the defendant is currently serving in the military or is a veteran, the court may consult with the United States Department of Veterans Affairs, Louisiana Department of Veterans Affairs, or another agency or person with suitable knowledge or experience, for the purpose of providing the defendant with information

1 regarding veterans services for which the defendant may be qualified, including
2 federal, state and local programming.

3 * * *

4 Art. 871.2 Presentence inquiry of veteran status

5 Prior to the imposition of a sentence, the court shall inquire and receive
6 response, orally or in writing, whether the convicted defendant is currently
7 serving in or is a veteran of the armed forces of the United States. If the
8 convicted defendant is currently serving in the military or is a veteran, the court
9 may order a presentence investigation pursuant to Code of Criminal Procedure
10 Art. 875(F) to determine whether military and veteran resources are available.

11 * * *

12 Art. 875. Presentence investigation; juvenile records; drug screening; veterans

13 * * *

14 F. If a convicted defendant is currently serving in the military or is a
15 veteran and has been diagnosed as having a mental illness by a qualified
16 psychiatrist or clinical psychologist or physician, the court may order a
17 presentence investigation pursuant to this Article. In conducting the
18 presentence investigation, the Department of Public Safety and Corrections,
19 division of probation and parole, in addition to the requirement of Sections A
20 through E of this Article, shall:

21 (1) Consult with the United States Department of Veterans Affairs,
22 Louisiana Department of Veterans Affairs, or another agency or person with
23 suitable knowledge or experience, for the purpose of providing the court with
24 information regarding treatment options available to the convicted defendant,
25 including federal, state, and local programming.

26 (2) Consider the treatment recommendations of any diagnosing or
27 treating mental health professionals together with the treatment options
28 available to the defendant in imposing a sentence.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Heyward Jeffers.

DIGEST

Present law does not require a court to consider a member of the armed forces or a veteran's military service in determining a sentence for such members of the armed forces or veterans who are convicted of a crime.

Proposed law requires a court, at the time of arraignment of a defendant, to inquire and receive a response, orally or in writing, whether the defendant is currently serving in or is a veteran of the armed forces of the United States.

Proposed law provides that a court may, if the defendant is currently serving or is a veteran of the armed forces of the United States, consult with the United States Department of Veterans Affairs, Louisiana Department of Veterans Affairs, or another agency or person with suitable knowledge or experience, for the purpose of providing the defendant with information regarding veterans services for which the defendant may be qualified, including federal, state and local programing.

Proposed law provides that if the defendant is convicted of their charges and is determined to be a member or a veteran of the armed forces of the United States, prior to sentencing the court shall inquire and receive a response, orally or in writing as to the military status of the convicted defendant, the court may order a presentence investigation to determine whether military and veteran resources are available.

Proposed law provides that if a convicted defendant is currently serving in the military or is a veteran and has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may order a presentence investigation. In conducting the presentence investigation, the Department of Public Safety and Corrections, division of probation and parole, will consult with the United States Department of Veterans Affairs, Louisiana Department of Veterans Affairs, or another agency or person with suitable knowledge or experience, for the purpose of providing the court with information regarding treatment options available to the convicted defendant, including federal, state, and local programming and further consider the treatment recommendations of any diagnosing or treating mental health professionals together with the treatment options available to the defendant in imposing a sentence.

Effective August 1, 2013.

(Adds C.Cr.P. Arts. 551(C), 871.2 and 875(F))