

Regular Session, 2013

SENATE BILL NO. 32

BY SENATORS CROWE, JOHNS, PETERSON AND GARY SMITH

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 convicted of a crime. (8/1/13)

AN ACT

To enact Code of Criminal Procedure Arts. 871.2 and 875(F), relative to veterans convicted of a crime; to authorize a 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. 871.2 and 875(F) are hereby enacted to read as follows:

Art. 871.2 Presentence inquiry of veteran status

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

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

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F. 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 pursuant to this Article. In conducting the presentence investigation, the Department of Public Safety and Corrections, division of probation and parole, in addition to the requirement of Sections A through E of this Article, shall:

(1) 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.

(2) 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.

The original instrument was prepared by Heyward Jeffers. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

DIGEST

Crowe (SB 32)

Present law does not require a court to consider whether an offender is a member of the armed forces or a veteran in determining a sentence for such member of the armed forces or veteran.

Proposed law provides that if the defendant is convicted and is determined to be a member or a veteran of the armed forces of the United States, prior to sentencing the court may inquire and receive a response, orally or in writing as to the current military status of the convicted defendant, and 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. 871.2 and 875(F))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the
original bill

1. Removes proposed law assessment of military status of defendant at the time of arraignment.
2. Changes from mandatory to permissive a court's inquiry as to military status of a defendant at the time of sentencing.