

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.

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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 requirements of Paragraphs A through E of this Article, shall:

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

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

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_