

Prior 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.

New 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.

New 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 U.S. Department of Veterans Affairs, La. 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))