

Regular Session, 2014

SENATE BILL NO. 473

BY SENATOR MILLS

PUBLIC SFTY/CORRECT DEPT. Provides with respect to the committee on parole.
(8/1/14)

1 AN ACT

2 To amend and reenact R.S. 15:574.2(A)(3),(8), and (9)(a) and (b), and (C)(2)(b) and (c),
3 relative to the committee on parole and rules of parole; to provide relative to
4 education and experience requirements of board members; to provide relative to
5 training requirements of the board; to provide for powers of ex officio board
6 members; to provide relative to parole eligibility; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:574.2(A)(3), (8), and (9)(a) and (b), and (C)(2)(b) and (c), are
9 hereby amended and reenacted to read as follows:

10 §574.2. Committee on parole, Board of Pardons; membership; qualifications;
11 vacancies; compensation; domicile; venue; meetings; quorum;
12 panels; powers and duties; transfer of property to committee;
13 representation of applicants before the committee; prohibitions

14 A.(1) * * *
15 * * *

16 (3) Each member, except for the ex officio member, **must have at least a**
17 **bachelor's degree from an accredited college or university, and** shall possess not

1 less than five years actual experience in the field of penology, corrections, law
 2 enforcement, sociology, law, education, social work, medicine, **psychology or**
 3 **psychiatry**, or a combination thereof. **If the member does not have at least a**
 4 **bachelor's degree from an accredited college or university, he or she must have**
 5 **no less than seven years experience in a field listed in this Subsection.** The
 6 provisions of this Paragraph shall not apply to any person serving as a member of the
 7 board on August 1, 2012.

8 * * *

9 (8) The warden, or in his absence the deputy warden, of the correctional
 10 facility in which the offender is incarcerated shall be an ex officio member of the
 11 committee. When the offender is housed in a local correctional facility and the
 12 warden, or deputy warden, of that facility is not able to attend the offender's parole
 13 hearing, the warden, or in his absence the deputy warden, of the facility where the
 14 offender's parole hearing is held may serve as an ex officio member. The ex officio
 15 member shall not be a voting member nor shall he be counted or permitted to be
 16 counted for purposes of the number of members necessary to take committee action
 17 or the number of members necessary to establish quorum. ~~In all other respects, the~~
 18 ~~ex officio member shall have the duties, authority, requirements, and benefits of any~~
 19 ~~other committee member.~~

20 (9)(a) Within ninety days of being appointed to the committee on parole, each
 21 **voting** member shall complete a comprehensive training course developed by the
 22 Department of Public Safety and Corrections. The training course shall be developed
 23 **in compliance with guidelines from the National Institute of Corrections, the**
 24 **Association of Paroling Authorities International, or the American Probation**
 25 **and Parole Association** ~~using training components consistent with those offered by~~
 26 ~~the National Institute of Corrections or the American Probation and Parole~~
 27 ~~Association, and shall include classes regarding the following topics:~~

28 ~~(i) The elements of the decision making process, through the use of~~
 29 ~~evidence-based practices for determining offender risk, needs, and motivation to~~

1 change, including the actuarial assessment tool used by the parole agent:

2 (ii) ~~The security classifications as established by the department.~~

3 (iii) ~~The programming and disciplinary processes and the department's~~
4 ~~supervision, case planning, and violation process.~~

5 (iv) ~~The dynamics of criminal victimization.~~

6 (v) ~~Collaboration with corrections related stakeholders, both public and~~
7 ~~private, to increase offender success and public safety.~~

8 (b) Each member shall complete a minimum of eight hours of training
9 annually, which shall be provided for in the annual budget of the Department of
10 Public Safety and Corrections. The annual training course shall be developed using
11 the training components consistent with those offered by **from** the National Institute
12 of Corrections, **the Association of Paroling Authorities International,** or
13 American Probation and Parole Association. **Training components shall include**
14 **an emphasis on the following subjects** and shall offer classes regarding the
15 following topics:

16 (i) ~~A review and analysis of the effectiveness of the assessment tool used by~~
17 ~~the parole agents~~ **Data-driven decision making.**

18 (ii) ~~A review of the department's progress toward public safety goals~~
19 **Evidence-based practices. As used in this Item, "evidence-based practice"**
20 **means practices proven through research to reduce recidivism.**

21 (iii) ~~The use of data in decision making~~ **Stakeholder collaboration.**

22 (iv) ~~Any information regarding promising and evidence-based practices~~
23 ~~offered in the corrections related and crime victim dynamics field~~ **Recidivism**
24 **reduction.**

25 * * *

26 C.(1) * * *

27 * * *

28 (2) The committee may grant parole with two votes of a three-member panel,
29 or, if the number exceeds a three-member panel, a majority vote of those present if

1 all of the following conditions are met:

2 * * *

3 (b) The offender has not committed any **major** disciplinary offenses in the
4 twelve consecutive months prior to the parole eligibility date. **A major disciplinary**
5 **offense is an offense identified as a Schedule B offense by the Department of**
6 **Public Safety and Corrections in the Disciplinary Rules and Procedures of**
7 **Adult Offenders.**

8 (c) The offender has completed the mandatory minimum of one hundred
9 hours of pre-release programming in accordance with R.S. 15:827.1 **if such**
10 **programming is available at the facility where the offender is incarcerated.**

11 * * *

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

DIGEST

Mills (SB 473)

Present law creates a committee on parole in the Department of Public Safety and Corrections which will enforce the provisions of present law and the rules, regulations, and orders issued pursuant to present law.

Present law provides for the membership of the committee on parole to be the five members of the Board of Pardons and two at-large members appointed by the governor. Present law also provides that the warden (or in his absence the deputy warden) of the facility where the offender is incarcerated shall serve as an ex officio member of the committee.

Present law provides that each member, except for the ex officio member, shall possess not less than five years actual experience in the field of penology, corrections, law enforcement, sociology, law, education, social work, medicine, or a combination thereof. Provides that the provisions of present law shall not apply to any person serving as a member of the board on August 1, 2012.

Proposed law retains present law and adds the additional requirement that each member must have at least a bachelor's degree from an accredited college or university. Proposed law adds psychology or psychiatry to the areas of experience. Further provides that if the member does not have at least a bachelor's degree from an accredited college or university, he or she must have no less than seven years experience in a field listed in this subsection.

Present law provides that the ex officio member of the committee shall be a nonvoting member and shall not be counted for the purposes of a quorum, but in other respects, shall have all the duties, authority, requirements and benefits of any other committee member.

Proposed law removes present law provisions regarding the ex officio member's duties, authority, requirements and benefits.

Present law provides that within 90 days of being appointed to the committee on parole, each member shall complete a comprehensive training course developed by the Department of Public Safety and Corrections. The training course shall be developed using the training components consistent with those offered by the National Institute of Corrections or the American Probation and Parole Association, and shall include classes regarding the following topics:

- (1) The elements of the decision making process, through the use of evidence-based practices for determining offender risk, needs, and motivation to change, including the actuarial assessment tool used by the parole agent.
- (2) The security classifications as established by the department.
- (3) The programming and disciplinary processes and the department's supervision, case planning, and violation process.
- (4) The dynamics of criminal victimization.
- (5) Collaboration with corrections related stakeholders, both public and private, to increase offender success and public safety.

Proposed law retains present law but only requires voting members to attend the training course and provides that the training course shall be developed in compliance with guidelines from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association.

Present law provides that each member shall complete a minimum of eight hours of training annually, which shall be provided for in the annual budget of the Department of Public Safety and Corrections. The annual training course shall be developed using the training components consistent with those offered by the National Institute of Corrections or American Probation and Parole Association and shall offer classes regarding the following topics:

- (1) A review and analysis of the effectiveness of the assessment tool used by the parole agents.
- (2) A review of the department's progress toward public safety goals.
- (3) The use of data in decision making.
- (4) Any information regarding promising and evidence-based practices offered in the corrections related and crime victim dynamics field.

Proposed law changes present law to add the Association of Paroling Authorities International to the development requirements of the annual training. Changes the class topics to:

- (1) Data-driven decision making.
- (2) Evidence based practices.
- (3) Stakeholder collaboration.
- (4) Recidivism reduction.

Present law provides that the committee may grant parole with two votes of a three member panel, or, if the number exceeds a three member panel, a majority vote of those present if, among other specified conditions, the following conditions are met:

- (1) The offender has not committed any disciplinary offenses in the 12 consecutive months prior to the parole eligibility date.
- (2) The offender has completed the mandatory minimum of 100 hours of pre-release programming in accordance with present law.

Proposed law retains present law but requires that disciplinary offenses be classified as "major" for purposes of parole eligibility denial and provides that the requirement of pre-release programming will be considered if such programming is available at the facility where the offender is incarcerated.

Effective August 1, 2014.

(Amends R.S. 15:574.2(A)(3), (8), and (9)(a) and (b), and (C)(2)(b) and (c))

Summary of Amendments Adopted by Senate

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

1. Deletes provisions granting ex officio members the same authority, requirements, benefits, and duties as the other committee members.