

SENATE BILL NO. 252

BY SENATOR NEVERS

1 AN ACT

2 To amend and reenact R.S. 15:326 and 327, relative to sentencing; to provide relative to the
3 Twenty-Second Judicial District Court sentencing policies and procedures; to
4 provide for presentence investigation assessments; to provide for the use of a
5 validated risk and needs assessment tool; to provide for certain terms, conditions and
6 procedures; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:326 and 327 are hereby amended and reenacted to read as
9 follows:

10 §326. Administration of **presentence investigation** assessment tool and evaluation
11 report

12 A. For purposes of this Chapter, after January 1, ~~2014~~ **2015**, all criminal
13 divisions within the Twenty-Second Judicial District Court ~~shall~~ **may** use a single
14 **presentence investigation** validated risk and needs assessment tool prior to
15 sentencing an adult offender **eligible for assessment**. **The presentence**
16 **investigation assessment program shall be administered by the judges of the**
17 **Twenty-Second Judicial District Court. The court shall adopt rules to provide**
18 **relative to the eligibility and administration of the presentence investigation**
19 **assessments, storing and making available assessment results, and compiling**
20 **statistics gathered from the assessments.**

21 B. **Eligibility for presentence investigation assessment shall be limited**
22 **to an adult felony defendant who is otherwise eligible for probation or reentry**
23 **after adjudication of guilt, and who has executed a valid counseled waiver**
24 **authorizing the assessment. For purposes of this Section, "adjudication of**
25 **guilt" is defined as any finding of guilt, plea of guilty, or adjudication under**
26 **Code of Criminal Procedure Article 893. A "valid counseled waiver" shall**
27 **consist of a document signed by the defendant after consultation with counsel**

1 expressing the defendant's complete and irrevocable written acknowledgment
 2 of the purpose of the assessment and waiver of confidentiality over the global
 3 risk scores contained in the presentence investigation validated risk and needs
 4 assessment tool.

5 C. The presentence investigation assessment tool shall be administered at
 6 the time of arraignment after adjudication and prior to sentencing, and by trained
 7 and certified personnel within the court's misdemeanor probation office. However,
 8 upon the court's own motion or by motion of defense counsel, for good cause shown,
 9 the court may order the administration of a subsequent assessment for a defendant
 10 who was previously assessed. An evaluation report shall be prepared based upon
 11 the findings of the presentence investigation assessment tool.

12 ~~C.D.~~ The evaluation report shall be made available to the court and defense
 13 counsel prior to the initial pretrial conference, but Prior to the imposition of
 14 sentence, the presentence investigation assessment results, including the
 15 evaluation report, shall be made available to counsel for the defendant and the
 16 district attorney. The defendant and the district attorney shall have the
 17 opportunity to challenge the presentence investigation assessment prior to
 18 imposition of sentence, and upon good cause shown to the court, may review the
 19 other reports and data associated with the presentence assessment investigation.
 20 The presentence investigation assessment results, including the evaluation
 21 report, shall otherwise remain confidential and kept as part of the record under court
 22 seal.

23 ~~D.E.~~ The district court shall develop policies and protocols no later than
 24 January 1, ~~2014~~2015, regarding the administration and use of the presentence
 25 investigation assessment tool, assessment results, and evaluation reports pursuant
 26 to this Chapter. These policies shall include confidentiality periods, maintaining the
 27 integrity of the presentence investigation assessment tool, training, and data
 28 collection and sharing among affected entities. The Twenty-Second Judicial District
 29 Court is authorized to provide funding for any expenses related to the administration
 30 and use of the presentence investigation assessment tool and evaluation reports.

1 §327. Use of assessment tool and report

2 A. The **presentence investigation** validated risk and needs assessment tool
3 and evaluation report ~~shall~~ **may** be utilized by the sentencing court ~~at the pretrial~~
4 ~~stage when~~ **prior to** determining an appropriate sentence, in order to evaluate the
5 defendant's risk of committing future offenses and to reduce the recidivism of the
6 defendant. ~~In determining an appropriate sentence, the sentencing court shall~~
7 ~~consider the results of the defendant's risk and needs assessment included in the~~
8 ~~evaluation report, together with the likely impact of a possible sentence on the~~
9 ~~reduction of potential future criminal behavior of the defendant.~~

10 B. The **presentence investigation** assessment tool and evaluation report may
11 also be used to determine eligibility or suitability of the defendant for any available
12 specialty court.

13 **C. Nothing in this Chapter shall be construed to confer upon the**
14 **defendant any substantive, procedural or appellate right, or any additional**
15 **post-conviction right or remedy.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____