HLS 18RS-759 REENGROSSED

2018 Regular Session

HOUSE BILL NO. 279

BY REPRESENTATIVES MARINO, BAGNERIS, BOUIE, CONNICK, DUPLESSIS, HALL, JIMMY HARRIS, JACKSON, JORDAN, LYONS, MARCELLE, NORTON, AND SMITH

COURTS: Provides relative to eligibility for reentry court for persons convicted of certain offenses

1	AN ACT
2	To amend and reenact R.S. 13:5401(B)(1) and to enact R.S. 13:5401(B)(3)(d) and Code of
3	Criminal Procedure Article 890.3(A)(3), relative to reentry courts; to provide relative
4	to eligibility requirements for workforce development sentencing programs; and to
5	provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 13:5401(B)(1) is hereby amended and reenacted and R.S.
8	13:5401(B)(3)(d) is hereby enacted to read as follows:
9	§5401. District courts; reentry courts; subject matter
10	* * *
11	B. Participation in the workforce development sentencing program as
12	authorized by the provisions of this Section shall be subject to the following
13	provisions:
14	(1) The court may recommend that a defendant participate in the workforce
15	development sentencing program if all of the following criteria are satisfied:
16	(a) The defendant meets the eligibility requirements for participation in the
17	Offender Rehabilitation and Workforce Development Program as provided for in
18	R.S. 15:1199.7(A) and (C).
19	(b)(a) The defendant meets the suitability requirements as defined by best
20	practices developed for the Offender Rehabilitation and Workforce Development
21	Program as adopted by the Louisiana Supreme Court.

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1	(c)(b) The court determines that it is in the best interest of the community
2	and in the interest of justice that the defendant be sentenced to the Offender
3	Rehabilitation and Workforce Development Program.
4	(d) The defendant is not sentenced to a term of incarceration which exceeds
5	ten years.
6	(e)(c) The defendant shall not have any prior felony convictions for any
7	offenses defined as a sex offense in R.S. 15:541.
8	(f)(d) The crime before the court shall not be a crime of violence as defined
9	in R.S. 14:2(B), including domestic violence. except under either of the following
10	circumstances:
1	(i) The offense is a first conviction of an offense with a maximum prison
12	sentence of ten years or less that was not committed against a family member or
13	household member as defined by R.S. 14:35.3, or against a dating partner as defined
14	by R.S. 46:2151.
15	(ii) The district attorney makes a written recommendation to the court that
16	the offense should not be designated as a crime of violence, pursuant to Code of
17	Criminal Procedure Article 890.3.
18	(g)(e) The defendant cannot be sentenced as a multiple offender in the
19	present charge pursuant to R.S. 15:529.1.
20	(h)(f) Other criminal proceedings alleging commission of a crime of violence
21	as defined in R.S. 14:2(B) shall not be pending against the defendant.
22	(i)(g) The crime before the court shall not be a charge of any crime that
23	resulted in the death of a person.
24	* * *
25	(3) In offering a defendant the opportunity to request the program, the court
26	shall advise the defendant of the following:
27	* * *
28	(d) Notwithstanding any provision of law to the contrary, any offender
29	sentenced under this Section shall not be eligible for parole pursuant to R.S.

1 15:574.4(A)(1), nor earn "good time" pursuant to R.S. 15:571.3, or additional "good 2 time" credits for participation in certified treatment rehabilitation programs pursuant 3 to R.S. 15:828 while in the program. 4 5 Section 2. Code of Criminal Procedure Article 890.3(A)(3) is hereby enacted to read 6 as follows: 7 Art. 890.3. Sentencing for crimes of violence 8 A. Except as provided in Paragraph C of this Article, when a defendant is 9 sentenced for any offense, or the attempt to commit any offense, defined or 10 enumerated as a crime of violence in R.S. 14:2(B), the district attorney may make 11 a written recommendation to the court that the offense should not be designated as 12 a crime of violence only for the following purposes: 13 14 (3) The defendant's eligibility for participation in the Offender Rehabilitation 15 and Workforce Development Program pursuant to R.S. 13:5401. 16

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 279 Reengrossed

2018 Regular Session

Marino

Abstract: Expands the eligibility requirements for reentry programs.

<u>Present law</u> provides for the creation of workforce development sentencing programs by the reentry division court. <u>Present law</u> requires the defendant to meet eligibility requirements for participation in the Offender Rehabilitation and Workforce Development Program. Under the program, the court makes a determination of whether participation in the program is in the best interest of the community and the defendant. Participants must not have been charged with a crime that resulted in the death of a person or a sentence that exceeds 10 years or more.

<u>Proposed law</u> allows defendants to participate in reentry courts if the crime is not considered a crime of violence under R.S. 14:2(B). However, a defendant with a first conviction of a crime with a maximum prison sentence of 10 years or less that was not committed against a family or household member or dating partner may be eligible to participate. The participating defendant is not eligible for parole or the ability to earn "good time" or "good time" credits. Additionally, the district attorney has the ability to make a written recommendation to the court that a crime not be designated as a crime of violence in order

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for the defendant to become eligible to participate in the Offender Rehabilitation and Workforce Development Program.

(Amends R.S. 13:5401(B)(1); Adds R.S. 13:5401(B)(3)(d) and C.Cr.P. Art. 890.3(A)(3))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Judiciary</u> to the <u>original</u> bill:

1. Remove the offense of domestic abuse battery as a permissible exception.