

# ACT No. 399

HOUSE BILL NO. 521

BY REPRESENTATIVES MORENO, ADAMS, ARMES, ARNOLD, BADON, BERTHELOT, BILLIOT, BROADWATER, BROSSETT, BROWN, HENRY BURNS, BURRELL, CARMODY, CONNICK, COX, EDWARDS, FOIL, GAINES, GAROFALO, GISCLAIR, HARRIS, HOLLIS, HONORE, HOWARD, HUNTER, GIROD JACKSON, JAMES, JEFFERSON, LEGER, LEOPOLD, LOPINTO, LORUSSO, MILLER, NORTON, ORTEGO, PRICE, PUGH, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, SCHEXNAYDER, SHADOIN, SIMON, SMITH, ST. GERMAIN, THIERRY, AND WHITNEY

1 AN ACT

2 To amend and reenact Chapter 34 of Title 13 of the Louisiana Revised Statutes of 1950, to  
3 be comprised of R.S. 13:5401, to enact Chapter 34-A of Title 13 of the Louisiana  
4 Revised Statutes of 1950, to be comprised of R.S. 13:5501, and to repeal R.S.  
5 13:621.41(J) and 1343(C), relative to reentry courts; to authorize the creation of  
6 reentry divisions of court in certain judicial district courts in the state; to provide for  
7 the implementation of the workforce development sentencing program in the reentry  
8 division; to provide for conditions and procedures; to provide for applicability; to  
9 repeal provisions related to the Criminal District Court of Orleans Parish or the  
10 Forty-First Judicial District workforce development program; and to provide for  
11 related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Chapter 34 of Title 13 of the Louisiana Revised Statutes of 1950,  
14 comprised of R.S. 13:5401, is hereby amended and reenacted and Chapter 34-A of Title 13  
15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 13:5501, is hereby enacted to  
16 read as follows:

17 CHAPTER 34. REENTRY COURTS

18 §5401. District courts; reentry courts; subject matter

19 A. The district courts as enumerated in Subsection C of this Section, by rule,  
20 adopted by a majority vote of the judges sitting en banc, may assign a certain

1 division of the court as a reentry division of court. The reentry division of court shall  
2 establish a workforce development sentencing program, which shall establish  
3 guidelines for the issuance of sentences providing inmate rehabilitation and  
4 workforce development. The reentry division of court and sentencing program shall  
5 work in conjunction with the Louisiana Workforce Commission and all efforts shall  
6 be coordinated and consistent with the provisions of R.S. 23:1 et seq.

7 B. Participation in the workforce development sentencing program as  
8 authorized by the provisions of this Section shall be subject to the following  
9 provisions:

10 (1) The court may recommend that a defendant participate in the workforce  
11 development sentencing program if all of the following criteria are satisfied:

12 (a) The defendant meets the eligibility requirements for participation in the  
13 Offender Rehabilitation and Workforce Development Program as provided for in  
14 R.S. 15:1199.7.

15 (b) The court determines that it is in the best interest of the community and  
16 in the interest of justice that the defendant be sentenced to the Offender  
17 Rehabilitation and Workforce Development Program.

18 (c) The defendant is not sentenced to a term of incarceration which exceeds  
19 ten years.

20 (d) The defendant shall not have any prior felony convictions for any  
21 offenses defined as a sex offense in R.S. 15:541.

22 (e) The crime before the court shall not be a crime of violence as defined in  
23 R.S. 14:2(B), including domestic violence.

24 (f) The defendant cannot be sentenced as a multiple offender in the present  
25 charge pursuant to R.S. 15:529.1.

26 (g) Other criminal proceedings alleging commission of a crime of violence  
27 as defined in R.S. 14:2(B) shall not be pending against the defendant.

28 (h) The crime before the court shall not be a charge of any crime that  
29 resulted in the death of a person.

1           (2) Upon a determination that the defendant meets the eligibility criteria  
2           provided for in Paragraph (1) of this Subsection, the court shall advise the defendant  
3           that he may be eligible for enrollment in the workforce development sentencing  
4           program.

5           (3) In offering a defendant the opportunity to request the program, the court  
6           shall advise the defendant of the following:

7           (a) If the defendant is eligible to participate in the workforce development  
8           sentencing program, the defendant shall waive the right to a trial. The defendant  
9           shall enter a plea of guilty to the charge, with the stipulation that the defendant shall  
10          be sentenced to custody of the Department of Public Safety and Corrections to  
11          participate in the Offender Rehabilitation and Workforce Development Program and  
12          after successful completion of that program, he may petition the court to be placed  
13          on intensive reentry supervision by the court.

14          (b) The court may impose any conditions reasonably related to the  
15          rehabilitation of the defendant.

16          (4) The defendant has the right to be represented by counsel at all stages of  
17          a criminal prosecution. The defendant shall be represented by counsel during the  
18          determination of eligibility to participate in the workforce development sentencing  
19          program at the time of the execution of the sentencing agreement and at any  
20          subsequent probation revocation hearing to discharge him, unless the court finds and  
21          the record shows that the defendant has knowingly and intelligently waived his right  
22          to counsel.

23          (5) The defendant shall agree to participation in the workforce development  
24          sentencing program.

25          (6) The judge shall consider the following factors in determining whether  
26          workforce development sentencing is in the interest of justice and of benefit to the  
27          defendant and the community:

28          (a) The nature of the crime charged and the circumstances surrounding the  
29          crime.

30          (b) Any special characteristics or circumstances of the defendant.

1                   (c) Whether there is a probability that the defendant will cooperate with and  
2                   benefit from the workforce development sentencing program.

3                   (d) Whether the available workforce development sentencing program is  
4                   appropriate to meet the needs of the defendant.

5                   (e) The impact of the defendant's sentencing upon the community.

6                   (f) Recommendations, if any, of the district attorney.

7                   (g) Recommendations, if any, of the involved law enforcement agency.

8                   (h) Recommendations, if any, of the victim.

9                   (i) Provisions for and the likelihood of obtaining restitution from the  
10                  defendant.

11                  (j) Any mitigating circumstances.

12                  (k) Any other circumstances reasonably related to the defendant's case.

13                  (7)(a) If the judge determines that the defendant shall be enrolled in the  
14                  workforce development sentencing program, the court shall accept the defendant's  
15                  guilty plea and sentence the defendant to the custody of the Department of Public  
16                  Safety and Corrections for participation in the Offender Rehabilitation and  
17                  Workforce Development Program under the terms and conditions of the workforce  
18                  development sentencing program.

19                  (b) If the judge determines that the defendant is not qualified for enrollment,  
20                  the judge shall state for the record the reasons for that determination.

21                  (c) If the defendant successfully completes the Offender Rehabilitation and  
22                  Workforce Development Program and successfully completes all other requirements  
23                  of the workforce development sentencing program, he may petition the court to be  
24                  placed on intensive reentry supervision by the court.

25                  C. The following district courts may assign certain divisions of the court as  
26                  a reentry division of court in accordance with the provisions of this Section:

27                  (1) The Criminal District Court for the parish of Orleans or the Forty-First  
28                  Judicial District Court.

29                  (2) The Nineteenth Judicial District Court.

30                  (3) The Twenty-Second Judicial District Court.

1                    CHAPTER 34-A. JUDICIAL COOPERATIVE ENDEAVORS

2                    §~~5401~~ 5501. Judicial cooperative endeavors

3                    The various judicial district courts and district attorneys of Louisiana are  
4                    authorized to enter into intergovernmental agreements with federal entities in order  
5                    to share the administrative costs of funding the operations for joint programs funded  
6                    by local, state, and federal assets.

7                    Section 2. R.S. 13:621.41(J) and 1343(C) are hereby repealed in their entirety.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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