

2019 Regular Session

HOUSE BILL NO. 541

BY REPRESENTATIVE COX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VETERANS: Provides relative to the Post-Conviction Veterans Mentor Program

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AN ACT

To amend and reenact R.S. 15:1199.22, 1199.23(2), 1199.24(A)(1), (4), and (5) through (10), (B), (C), (D), (E), and (F), 1199.25, and 1199.26 and to enact R.S. 15:1199.24(A)(11) and (G) and 1199.27, relative to the Post-Conviction Veterans Mentor Program; to provide for the establishment of the Post-Conviction Veterans Mentor Program by the Department of Public Safety and Corrections; to provide for the authority of the Department of Public Safety and Corrections to administer and regulate the program; to provide relative to the definition of "veteran" for purposes of the program; to provide relative to the eligibility criteria for participants in the program; to provide relative to criteria to maintain eligibility for participation in the program; to provide relative to the liability of the offender for certain acts; to limit the liability of the Department of Public Safety and Corrections with regard to acts of the offender; to provide relative to an offender's ability to serve as mentor in certain programs; to provide relative to work opportunities for veterans participating in the program; to provide relative to the wages for offenders participating in the program; to provide relative to the payment of costs of participating in the program; to provide relative to transitional work release facilities in this regard; to provide certain conditions of release on parole for program participants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

1 Section 1. R.S. 15:1199.22, 1199.23(2), 1199.24(A)(1), (4), and (5) through (10),
2 (B), (C), (D), (E), and (F), 1199.25, and 1199.26 are hereby amended and reenacted and R.S.
3 15:1199.24(A)(11) and (G) and 1199.27 are hereby enacted to read as follows:

4 §1199.22. ~~Purpose~~ Authorization for the Post-Conviction Veterans Court Program;
5 purpose

6 A. The Legislature of Louisiana recognizes that there is a critical need for
7 criminal justice system programs to assist veterans in order to reduce the incidence
8 of recidivism. As with the Veterans Court probation program, there is also a need
9 to assist veterans who have been convicted of offenses. Those veterans who are
10 eligible and willing to participate in the program could serve as mentors for veterans
11 participating in the Veterans Court probation program, for military to civilian
12 transition services programs, or to first-time offenders housed in a parish jail, and
13 could serve as parish jail HiSET tutors. Therefore, it is the intent of the Legislature
14 of Louisiana to create an opportunity for veterans convicted of certain offenses to
15 return to society and be successful in re-entry into the workplace. The goal of the
16 Post-Conviction Veterans Mentor Program is to reduce recidivism among veterans
17 and to provide those who have served this country with the assistance that they need
18 and deserve.

19 B. The secretary of the Department of Public Safety and Corrections is
20 authorized to establish a Post-Conviction Veterans Mentor Program for incarcerated
21 veterans, herein after referred to as "program". The department shall adopt
22 regulations and guidelines as it deems necessary for the administration and
23 implementation of this program. The provisions of this Part shall be implemented
24 only to the extent that funds are available within the department for this purpose and
25 to the extent that is consistent with available resources.

26 §1199.23. Definitions

27 For the purposes of this Part:

28 * * *

1 (2) "Veteran" means an honorably or generally discharged member of the
 2 United States Armed Forces or organized militia of the several states and territories,
 3 including but not limited to a member of the Army, Navy, Air Force, Marine Corps,
 4 Coast Guard, National Guard, Air National Guard, Reserves, State Guard, or a
 5 commissioned officer of the Public Health Service, ~~Environmental Science Services~~
 6 ~~Administration, or National Oceanic and Atmospheric Administration, or its~~
 7 ~~predecessor, the United States Coast and Geodetic Survey~~ and who has served at
 8 least one hundred eighty days active duty and can provide an original Department
 9 of Defense Form 214 (DD-214) upon request.

10 §1199.24. Post-Conviction Veterans Mentor Program ~~for incarcerated veterans;~~
 11 eligibility criteria

12 A. Notwithstanding any other provision of law to the contrary, an offender
 13 who is incarcerated shall be eligible to participate in the Post-Conviction Veterans
 14 Mentor Program if all of the following conditions are met:

15 (1) The offender ~~satisfies the eligibility requirements of R.S. 13:5366~~
 16 ~~(Veterans Court Program)~~ is a veteran as defined by R.S. 15:1199.23(2).

17 * * *

18 (4) The offender has completed ~~all~~ required programming including but not
 19 limited to anger management, substance abuse, parenting classes, and post-traumatic
 20 stress counseling, as deemed appropriate by the Department of Public Safety and
 21 Corrections, and has received all CTRP credits for which he is eligible pursuant to
 22 R.S. 15:828.

23 (5) The offender has ~~not committed any major~~ had no disciplinary offenses
 24 in twelve consecutive months prior to the transfer action taken against him in the two
 25 years prior to consideration for participation in the program. A major disciplinary
 26 offense is an offense identified as a Schedule B offense by the Department of Public
 27 Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.

28 (6) The offender has completed the mandatory minimum of one hundred
 29 hours of prerelease programming in accordance with the provisions of R.S. 15:827.1

1 if such programming is available at the facility where the offender is incarcerated.
2 If such programming is not complete prior to the offender's participation in the
3 program, the offender shall complete the pre-release programming at a transitional
4 work release program facility prior to release.

5 (7) The offender has obtained a ~~GED~~ high school equivalency credential,
6 unless the offender has previously obtained a high school diploma or is deemed by
7 a certified educator as being incapable of obtaining a ~~GED~~ high school equivalency
8 credential. The offender shall have also earned credentials in at least one trade by
9 a military- or department-provided trade school or be able to pass a skills test in
10 trades including but not limited to welding, automobile or diesel mechanic,
11 carpentry, and heating, ventilation, and air-conditioning technician.

12 (8) The offender has completed a mentor training program offered by the
13 Department of Public Safety and Corrections.

14 ~~(8)(9)~~ The offender, at the time of consideration for the program, ~~is not~~
15 ~~designated as "high risk" and is considered~~ has obtained a "low risk" level
16 designation determined by a validated risk assessment instrument approved by the
17 secretary of the department.

18 ~~(9)(10)~~ The offender is ~~committed to the custody of the Department of~~
19 ~~Public Safety and Corrections~~ not currently incarcerated for any crime against a
20 person under the age of eighteen years, a capital offense, or hate crime.

21 ~~(10)(11)~~ The offender has attained forty years of age and has ~~served~~ earned
22 credit for serving at least ten years of the term or terms of imprisonment, including
23 time spent in custody and CTRP credits by the offender pursuant to R.S. 15:828.

24 B. ~~An eligible~~ Upon meeting the eligibility requirements set forth in
25 Subsection A of this Section, the offender shall then be subject to pre-screening by
26 the Department of Public Safety and Corrections, office of adult services for
27 placement in a transitional work release program, in accordance with R.S. 15:1111.

28 C. If the offender is approved to participate in the program by the
29 Department of Public Safety and Corrections, office of adult services they shall be

1 transferred to an appropriate transitional work release program. After three
2 successful years in a transitional work release program, the offender shall be granted
3 a parole hearing by the committee on parole as provided in Subsection G of this
4 Section, if not otherwise eligible for a hearing prior to such date.

5 D. To maintain eligibility to participate in the program, the offender ~~must~~
6 shall comply with all of the following requirements:

7 ~~(1) Maintain parole eligibility pursuant to the provisions of R.S. 15:574.4.~~

8 ~~(2) Continue to participate in all programming deemed appropriate by the~~
9 ~~Department of Public Safety and Corrections and~~ post-traumatic stress disorder
10 therapy or counseling, at least once a month, with services provided by the
11 Department of Veterans Affairs at a local hospital, center, or clinic operated by the
12 Department of Veterans Affairs. Eligibility to use such facilities operated by the
13 Department of Veterans Affairs is based on the person's honorable discharge status.

14 ~~(3)~~(2) Meet once a month with an authorized veteran transition counselor
15 either on site at the facility in which he is housed or at a local hospital, center, or
16 clinic operated by the Department of Veterans Affairs.

17 ~~(4)~~(3) Perform at least fifty hours of unpaid community service to any
18 veteran or military program, including the Veterans Court probation program.

19 ~~(5)~~(4) ~~Offenders approved for placement in a transitional facility shall serve~~
20 Serve as mentors a mentor of the Veterans Court probation program ~~if they receive~~
21 ~~a favorable recommendation as provided in R.S. 15:1199.25 in the parish of the~~
22 transitional work release program in which they are housed, or if there is no existing
23 Veteran's Court probation program in such parish, the offender shall perform at least
24 fifty hours of paid or unpaid mentoring service to any veteran or military program
25 approved by the Department of Public Safety and Corrections.

26 (5) Submit to random drug screenings and receive no positive results from
27 such screenings.

28 E. Liability for all activity and possible illegal activity shall fall solely on the
29 veteran offender participating in the program. The Department of Public Safety and

1 Corrections shall have indemnity for any and all actions taken by the offender that
2 may be illegal, that subject the offender to parole revocation, or that are deemed
3 eligible to terminate the offender's participation in the Post-Conviction Veterans
4 Mentor Program, and for any advice, education, action, or information relayed by the
5 offender to any employee, mentee, or other participant in the program that may or
6 may not result in action that causes any outcome.

7 E.F. Any violation of the conditions of eligibility provided for in Subsection
8 D of this Section shall subject the ~~veteran~~ offender to disciplinary sanctions up to and
9 including removal from the transitional work release program. Any ~~veteran~~ offender
10 removed from the program shall not be eligible for further consideration pursuant to
11 this Part.

12 F.G.(1) After the successful completion of ~~the assigned term~~ at least three
13 years at the transitional work release program facility, the ~~veteran~~ offender shall be
14 granted a hearing before the committee on parole. If the ~~veteran~~ offender is granted
15 parole, then the ~~veteran~~ offender shall be released on parole ~~or released on~~
16 ~~diminution of sentence~~ in accordance with the provisions of R.S. 15:574.4.1 and
17 574.4.2.

18 (2) If the offender is released on parole, the offender shall be required to
19 participate in all programs and services available to veterans that are determined to
20 be necessary for the offender by the committee on parole.

21 (3) Any ~~veteran~~ offender whose parole is revoked shall not be eligible to
22 participate in the program.

23 §1199.25. Mentor program for Veterans Court probation program; job assistance

24 A.(1) ~~Veterans~~ While participating in the Post-Conviction Veterans Mentor
25 Program, the offender shall serve as mentors of in the Veterans Court probation
26 program upon receiving a favorable recommendation by the Board of Pardons based
27 on a pre-screen assessment developed by the Board of Pardons in the parish of the
28 transitional work release program in which they are housed, or if there is no existing
29 Veteran's Court probation program in such parish, the offender shall perform at least

1 fifty hours of paid or unpaid mentoring service to any veteran or military program
2 approved by the Department of Public Safety and Corrections.

3 (2) As mentors, these incarcerated offenders who are veterans may serve as
4 liaisons between the program and the participant. Each mentor shall work in close
5 association with the court and its officers to assist in coordinating strategies for
6 careful monitoring and the production of effective assistance for the success of the
7 participant.

8 (3) The purpose of the mentor role is to serve as the first line of defense
9 against relapse and recidivism.

10 B. The department, through placement of the offender in a transitional work
11 release program, shall make every effort to facilitate work opportunities for veterans
12 offenders participating in the Post-Conviction Veterans Mentor Program, including
13 but not limited to construction, offshore employment, oilfield employment, including
14 offshore oilfield employment, employment at chemical plants, clerical occupations,
15 construction management, welding, or any trade or vocation for which the veteran
16 is trained by either the department or the military.

17 ~~C.(1) Any mentor who is employed shall be responsible for the cost of his~~
18 ~~room, board, clothing, and other necessary expenses unless other means of payment~~
19 ~~are approved by the department.~~

20 ~~(2) The wages of any such veteran shall be disbursed for the following~~
21 ~~purposes subject to the approval of the department:~~

22 ~~(a) The room and board of the veteran including food and clothing.~~

23 ~~(b) Necessary travel expenses to and from work and other incidental~~
24 ~~expenses of the veteran.~~

25 ~~(c) Any court-ordered child support owed by the veteran.~~

26 ~~(d) Any court-ordered restitution, or restitution owed to the department, or~~
27 ~~any other obligations acknowledged by the veteran in writing, or which have been~~
28 ~~reduced to judgment. The obligations may be paid in installments approved by the~~
29 ~~department.~~

1 ~~(e) The balance, if any, owed to the veteran upon his discharge.~~

2 ~~(3) The wages of an employed veteran shall not be less than the customary~~
3 ~~wages for an employee performing similar services.~~

4 ~~(4) In no case shall veterans~~ offenders participating in such programs be
5 authorized or permitted to work or to continue working on a project or job involved
6 in a labor dispute.

7 D. Deductions for room, board, and other administrative costs resulting from
8 participation of employment in connection with a transitional facility authorized by
9 this Part shall not exceed the limits and shall abide by the regulations set forth in
10 R.S. 15:1111.

11 §1199.26. Transitional facilities

12 A.(1) The Department of Public Safety and Corrections is hereby authorized
13 to create, establish, operate, contract, and maintain transitional facilities for
14 incarcerated veterans identified as veterans of the United States Armed Forces. The
15 facilities shall be established in such places throughout the state as are deemed
16 necessary by the ~~director~~ secretary or his designee.

17 (2) Such facilities shall be operated and maintained for those veterans who
18 serve as mentors for the Veterans Court probation program and those veterans who
19 have strong rehabilitation potential. Existing transitional work release program
20 facilities, otherwise known as work release, may be used to provide services and
21 opportunities to the veterans participating in the program to benefit both the veterans
22 participating and the parish jails.

23 B. All transitional facilities established pursuant to this Part shall be
24 ~~minimum security structures and comply with security measures deemed appropriate~~
25 ~~by the department~~ provisions set forth in R.S. 15:1111.

26 C. The department or its agent may ~~employ psychiatrists, neurologists,~~
27 ~~special educators, guidance counselors, psychologists, nurses, technicians, social~~
28 ~~workers, occupational therapists, physicians, and other professional personnel to staff~~
29 ~~transitional facilities or may contract for the services of such persons with~~

1 ~~community service organizations, religious groups, universities, and medical schools~~
2 allow participants in the program who are veterans to utilize the services of the local
3 hospital, center, or clinic operated by the Department of Veterans Affairs for mental
4 health services, medical care, and any other earned eligible benefits due to service,
5 at no expense to the state.

6 §1199.27. Parole

7 Any veteran offender released on parole pursuant to the provisions of this
8 Part shall be required to do all of the following as conditions of his release:

9 (1) Maintain a positive disciplinary record, maintain active employment with
10 no more than a thirty-day unemployment gap, attend programs and utilize
11 community services as are determined to be necessary by the committee on parole,
12 report to probation and parole officers as required, and pay supervision fees to the
13 department as required by R.S. 15:574.4.2.

14 (2)(a) Perform at least one hundred hours per calendar year of unpaid
15 community service work in any parish, veteran, or military program, including but
16 not limited to the Veteran's Court probation program, American Legion funeral
17 details, cemetery clean-up, community clean-up programs, tutor HiSET or equivalent
18 courses in parish jail, or first-time offender counseling at the parish jail.

19 (b) If a veteran is not deemed suitable to be a mentor, other duties, such as
20 community service or additional counseling, may be substituted for the equivalent
21 amount of time. Such duties, services, and counseling shall monitored by his parole
22 officer and shall be completed when the veteran is not at work or fulfilling personal
23 counseling requirements.

24 (c) A veteran who is employed offshore or at a distant location is not
25 excused from complying with the provisions of this Paragraph.

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 541 Original

2019 Regular Session

Cox

Abstract: Amends provisions relative to the Post-Conviction Veterans Mentor Program for incarcerated veterans.

Present law provides for the Post-Conviction Veterans Mentor Program for incarcerated veterans. In this regard, present law does all of the following:

- (1) Provides eligibility requirements for an offender to participate in the program and provides that an offender who meets the present law eligibility requirements is then subject to pre-screening by DPS&C, office of adult services for placement in a transitional work program.
- (2) Requires the offender to comply with certain requirements to maintain eligibility in the program including the requirement that the offender maintain parole eligibility and serve as mentors of the Veterans Court probation program.
- (3) If the offender violates a condition of his eligibility, present law provides that he shall be subject to disciplinary sanctions including up to and including removal from the transitional work program. Any veteran removed from the program shall not be eligible for further consideration pursuant to present law.
- (4) Provides that after successful completion of the assigned term at the transitional facility, the veteran shall be granted a hearing before the committee on parole. If the veteran is granted parole, then the veteran shall be released on parole. Any veteran whose parole is revoked shall not be eligible to participate in the program.
- (5) Provides that the Bd. of Pardons, based on a pre-screen assessment developed by the Bd. of Pardons, shall determine whether eligible veterans can serve as mentors.
- (6) Provides that the department, through placement of the offender in a transitional work program, shall facilitate work opportunities for veterans participating in the Post-Conviction Veterans Mentor Program.
- (7) Provides for the wages of the mentors and provides that any mentor who is employed shall be responsible for the cost of certain expenses, but not more than 70% of the wages may be deducted to cover such costs. Further provides for the disbursement of the wages for certain purposes.
- (8) Authorizes DPS&C to create, establish, operate, contract, and maintain transitional facilities for incarcerated veterans who serve as mentors for the Veterans Court probation program. Further provides for certain requirements for the facilities.

Proposed law amends present law to do all of the following:

- (1) With regard to the purpose of the program, provide that those veterans who are eligible and willing to participate in the program could serve as mentors for military to civilian transition services programs or to first-time offenders housed in a parish jail, and could serve as parish jail HiSET tutors.

- (2) Authorize the secretary of DPS&C to establish the Post-Conviction Veterans Mentor Program for incarcerated veterans, and require the secretary to adopt regulations and guidelines as it deems necessary for administration of the program.
- (3) Provide that the provisions of present and proposed law with regard to the program shall be implemented only to the extent that funds are available within the department for such purpose.
- (4) Amend the definition of "veteran" to remove members of Environmental Science Services Administration, or National Oceanic and Atmospheric Administration, or its predecessor, and the United States Coast and Geodetic Survey, and to include only those persons who have served at least 180 days active duty and can provide an original Department of Defense Form 214 (DD-214) upon request.
- (5) Amend the eligibility criteria (1) to no longer require the offender to satisfy the eligibility requirements of the present law Veterans Court Program; (2) to specify that the offender shall complete all required programming and receive all CRTP credits for which he is eligible; (3) to prohibit the offender from having any disciplinary action taken against him in the two-year period prior to consideration for the program; (4) to require the offender to have a high school equivalency credential and to have earned credentials in at least one trade by a military- or department-provided trade school; (5) to complete a DPS&C mentor training program; (6) to not currently be incarcerated for any crime against a person under the age of 18, a capital offense, or a hate crime; and (7) to provide that the requirement that the offender have served ten years includes any CRTP credits earned by the offender. Proposed law retains all other present law eligibility requirements.
- (6) Amend the requirements for maintaining eligibility in the program (1) to remove the requirement that the offender maintain parole eligibility; (2) to require the offender to continue participation in certain counseling or therapy services provided by the Department of Veterans Affairs; (3) to require that the offender perform at least 50 hours of paid or unpaid mentoring services to any veteran or military program if the parish transitional work release program in which they are housed does not have a Veterans Court probation program; and (4) to require the offender to submit to random drug screenings and receive no positive results from such screenings.
- (7) Provide that DPS&C shall have indemnity for any and all actions taken by the offender that may be illegal, that subject the offender to parole revocation, or that are deemed eligible to terminate the offender's participation in the program.
- (8) Provide that if the offender is granted parole and released, the offender shall be required to participate in all programs and services available to veterans that are determined to be necessary for the offender by the committee on parole and comply with other requirements specified in proposed law.
- (9) Remove the requirement that the Bd. of Pardons determine whether an eligible veteran can serve as a mentor based on a pre-screen assessment.
- (10) Require DPS&C to make every effort to facilitate work opportunities for veterans in the program including construction, offshore employment, oilfield employment, employment at chemical plants, clerical occupations, construction management, welding, or any trade or vocation for which the veteran is trained either by the department of military.
- (11) Remove present law provisions that provide for, and relative to, the wages of the mentors and present law provisions that require any mentor who is employed to be responsible for the cost of certain expenses.

- (12) Require transitional facilities to comply with provisions set forth in present law relative to facilities for work release programs.
- (13) Authorize the department to allow participants in the program to utilize services of the local hospital, center, or clinic operated by the Department of Veterans Affairs.

(Amends R.S. 15:1199.22, 1199.23(2), 1199.24(A)(1), (4), and (5) - (10), (B), (C), (D), (E), and (F), 1199.25, and 1199.26; Adds R.S. 15:1199.24(A)(11) and (G) and 1199.27)