

2022 Regular Session

HOUSE BILL NO. 893

BY REPRESENTATIVE HUGHES

BUDGETARY PROCEDURES: Provides relative to criminal justice reinvestment savings and reporting requirements

1 AN ACT

2 To amend and reenact R.S. 15:827.1(E)(2), 827.2(A)(2) and (3), and 827.3 and to repeal
3 R.S. 15:827.2(D)(7), relative to the Department of Public Safety and Corrections; to
4 provide relative to the reentry preparation program; to require the department to
5 enter into cooperative endeavors or contracts to provide entrepreneurial educational
6 opportunities for eligible offenders; to provide with respect to reporting of financial
7 and other impacts of criminal justice reinvestment legislation; to provide with respect
8 to the calculation and allocation of savings attributable to such legislation; and to
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 15:827.1(E)(2), 827.2(A)(2) and (3), and 827.3 are hereby amended
12 and reenacted to read as follows:

13 §827.1. Reentry preparation program; establishment

14 * * *

15 E.

16 * * *

17 (2) The department ~~may~~ shall enter into cooperative endeavors or contracts
18 with the Louisiana Workforce Commission, the Louisiana Department of Education,
19 and the Louisiana community and technical colleges, educational institutions,

1 training facilities, and service providers to provide entrepreneurial educational
2 opportunities for eligible offenders.

3 * * *

4 §827.2. Data collection and reporting requirements; report to criminal justice
5 committees

6 A.

7 * * *

8 (2) The department shall ~~provide the information described in Subsection D~~
9 ~~of this Section to the Joint Legislative Committee on the Budget and the~~
10 ~~commissioner of administration by June 30, 2018, and shall provide updated~~
11 ~~information annually thereafter~~ submit a report to the House Committee on the
12 Administration of Criminal Justice and the Senate Committee on Judiciary B no later
13 than June thirtieth of each year. The report shall contain all information provided for
14 in Subsection D of this Section.

15 (3) The department shall make the ~~information described in Paragraphs~~
16 ~~(D)(1) through (6) of this Section~~ annual report publicly available by June 30, 2018,
17 ~~and shall update the information annually thereafter~~ June thirtieth each year.

18 * * *

19 §827.3. Savings attributable to criminal justice reforms; data collection and
20 reporting requirements to the Joint Legislative Committee on the Budget

21 A.(1) At the end of each fiscal year, the Department of Public Safety and
22 Corrections shall ~~provide to the commissioner of administration and to the Joint~~
23 ~~Legislative Committee on the Budget a statement of calculated~~ calculate the annual
24 savings realized as a result of reforms to the criminal justice system reinvestment
25 legislation enacted in the 2017 Regular Session of the Legislature and thereafter. For
26 Fiscal Year 2017-2018, seventy percent of the savings shall be deemed a bona fide
27 obligation of the state and shall be allocated by the department according to
28 Subsection B of this Section. For Fiscal Year 2018-2019 and each

1 ~~(2) Each fiscal year, thereafter, fifty percent of the annual savings shall be~~
2 ~~deemed a bona fide obligation of the state and shall be allocated by the department~~
3 ~~according to Subsection B of this Section and twenty percent of the annual savings~~
4 ~~shall be deemed a bona fide obligation of the state and shall be allocated by the~~
5 ~~department for juvenile justice initiatives and programs.~~

6 ~~B. The amount deemed to be a bona fide obligation pursuant to the~~
7 ~~provisions of Subsection A of this Section, except for the portion required to be~~
8 ~~allocated by the department for juvenile justice initiatives and programs, the annual~~
9 ~~savings shall be allocated as follows:~~

10 ~~(1) Thirty~~ (a) Fifteen percent shall be allocated to the Department of Public
11 Safety and Corrections to award incentive grants to parishes, judicial districts, and
12 nonprofit community partner organizations to expand evidence-backed prison
13 alternatives and reduce admissions to the state prison system.

14 ~~(2) Twenty~~ (b) Ten percent shall be allocated to the Louisiana Commission
15 on Law Enforcement and the Administration of Criminal Justice to award
16 competitive grants for victim services, including but not limited to victim safety
17 assessments and safety planning, trauma-informed treatment and services for victims
18 and survivors, shelters and transitional housing for domestic violence victims and
19 their children, batterers' intervention programming, and victim-focused education
20 and training for justice system professionals.

21 ~~(3) The remainder shall be allocated to the Department of Public Safety and~~
22 ~~Corrections for targeted investments in reentry services, community supervision,~~
23 ~~educational and vocational programming, transitional work programs, and contracts~~
24 ~~with parish jails and other local facilities that house state inmates to incentivize~~
25 ~~expansion of recidivism reduction programming and treatment services.~~

26 (c) Forty-five percent shall be allocated to the Louisiana Community and
27 Technical College System for targeted investments in educational and vocational
28 training aimed at recidivism reduction programming for adult and juvenile offenders.
29 Such funds shall be utilized in connection with any other available sources of federal

1 or state aid or training funds. The Louisiana Community and Technical College
2 System shall provide a report to the legislature by December fifteenth of each year
3 which shall include but not be limited to the following:

4 (i) A detailed description of the number of people trained categorized by age,
5 race, gender, and geographic region.

6 (ii) A detailed description of the credentials issued.

7 (iii) The average expenditure per student trained.

8 (iv) The percentage of the eligible population who participated in training.

9 (3) Amounts allocated each year pursuant to Paragraph (2) of this Subsection
10 shall be deemed a bona fide obligation of the state.

11 B.(1) The Department of Public Safety and Corrections shall submit a report
12 regarding savings attributable to criminal justice reinvestment legislation to the Joint
13 Legislative Committee on the Budget in the month of July of each year.

14 (2) The report shall include all of the following:

15 (a) The total annual savings and the calculation used to determine the
16 savings pursuant to Subsection A of this Section.

17 (b) The amounts allocated pursuant of this Section and a description of how
18 the funds were used in the immediately preceding fiscal year and each prior fiscal
19 year through Fiscal Year 2014-2015 and how the Department of Public Safety and
20 Corrections plans to use the funds in the current fiscal year.

21 (c) A comparison of the number of individuals eligible for educational and
22 vocational programming, the number of participants in educational and vocational
23 programming, and the total amount expended on the programming from justice
24 reinvestment funds and any additional sources of funds for the immediately
25 preceding fiscal year and each prior fiscal year through Fiscal Year 2014-2015.

26 (d) A comparison of recidivism rates for individuals receiving community-
27 based services, individuals receiving educational and vocational programming, and
28 individuals receiving a combination of community-based services and educational

1 and vocational programming for the immediately preceding fiscal year and each
 2 prior fiscal year through Fiscal Year 2014-2015.

3 (e) A comparison of post-incarceration employment rates for individuals
 4 who received educational and vocational programming for the immediately
 5 preceding fiscal year and each prior fiscal year through Fiscal Year 2014-2015.

6 (3) The department shall provide information required pursuant to this
 7 Subsection for all offenders in state facilities, offenders sentenced to the Department
 8 of Public Safety and Corrections who are in the custody of the sheriff or other local
 9 governing authority, and youth in the custody or under supervision of the Office of
 10 Juvenile Justice.

11 Section 2. R.S. 15:827.2(D)(7) is hereby repealed in its entirety.

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 893 Reengrossed

2022 Regular Session

Hughes

Abstract: Requires certain reports by the Dept. of Public Safety and Corrections (DPS&C) relative to the impacts of criminal justice reform legislation and requires DPS&C to enter into cooperative endeavors or contracts for educational opportunities for certain offenders.

Present law authorizes DPS&C to enter into cooperative endeavors or contracts with the La. Workforce Commission, the La. Dept. of Education, and the La. community and technical colleges, educational institutions, training facilities, and service providers to provide entrepreneurial educational opportunities for eligible offenders.

Proposed law requires rather than authorizes DPS&C to enter into such cooperative endeavors or contracts.

Present law requires DPS&C, in conjunction with the La. Commission on Law Enforcement and Administration of Criminal Justice, to collect, track, analyze, forecast, and distribute data relative to prison admissions, sentencing, habitual offender sentencing, parole, community supervision, medical furlough, certified treatment and rehabilitation programs, workforce development programs, and cost savings and reinvestment. Proposed law retains present law.

Present law requires DPS&C to annually report to the Joint Legislative Committee on the Budget (JLCB) on the data it collects, including certain specific data analysis including information relative to the population of individuals on probation or parole, prison admissions, certified treatment and rehabilitation programs, workforce development, and reinvestment and savings.

Proposed law retains the requirements of present law to provide this specific information, but changes the entity to which DPS&C provides the information. Requires the analysis of reinvestment and savings data to be reported to JLCB in the month of July of each year. Establishes further requirements for this report to JLCB as detailed in proposed law. Requires the analysis of probation and parole populations, prison admissions, certified treatment and rehabilitation programs, and workforce development to be submitted to the House Committee on the Administration of Criminal Justice and the Senate Committee on Judiciary B no later than June 30th of each year.

With respect to the savings attributable to recent criminal justice reform legislation, present law requires DPS&C each year to provide to the commissioner of administration and JLCB a statement of calculated annual savings realized as a result of these reforms. Proposed law requires the report to be submitted solely to JLCB.

Present law deems 50% of the annual savings a bona fide obligation of the state and establishes the following allocation for that portion of the savings:

- (1) 30% of the 50% is allocated to DPS&C to award incentive grants to parishes, judicial districts, and nonprofit community partner organizations to expand evidence-backed prison alternatives and reduce admissions to the state prison system.
- (2) 20% of the 50% is allocated to the La. Commission on Law Enforcement and the Administration of Criminal Justice to award competitive grants for victim services.
- (3) 50% of the 50% is allocated to DPS&C for targeted investments in reentry services, community supervision, educational and vocational programming, transitional work programs, and contracts with parish jails and other local facilities that house state inmates to incentivize expansion of recidivism reduction programming and treatment services.

Present law deems an additional 20% of the total annual savings a bona fide obligation of the state and allocates the amount to DPS&C for juvenile justice initiatives and programs.

Proposed law retains present law but bases the percentage on the total amount of savings instead of the bonafide amounts as follows:

- (1) 15% to DPS&C to award incentive grants to parishes, judicial districts, and nonprofit community partner organizations to expand evidence-backed prison alternatives and reduce admissions to the state prison system.
- (2) 10% to the La. Commission on Law Enforcement and the Administration of Criminal Justice to award competitive grants for victim services.
- (3) 45% to the La. Community and Technical College System for targeted investments in educational and vocational training aimed at recidivism reduction programming for adult and juvenile offenders. Proposed law further requires the La. Community and Technical College System to report to the legislature by Dec. 15 of each year.

Proposed law retains the requirement of present law that 70% of the annual savings be deemed a bona fide obligation of the state.

As previously noted, proposed law requires DPS&C to submit a report each year to JLCB regarding the savings from criminal justice reform legislation. Proposed law requires the report to contain information on all offenders in state facilities, offenders sentenced to DPS&C who are in the custody of the sheriff or other local governing authority, and youth in the custody or under supervision of the office of juvenile justice for each of the following topics:

- (1) The total annual savings and the calculation used to determine the savings pursuant to proposed law.
- (2) The amounts allocated pursuant to proposed law and present law and a description of how DPS&C has used the funds in past fiscal years through FY 2014-2015 and how it plans to use the funds in the current fiscal year.
- (3) A comparison of the number of individuals eligible for educational and vocational programming, the number of participants in educational and vocational programming, and the total amount expended on the programming from justice reinvestment funds and any additional sources of funds for the immediately preceding fiscal year and each prior fiscal year through FY 2014-2015.
- (4) A comparison of recidivism rates for individuals receiving community-based services, individuals receiving educational and vocational programming, and individuals receiving a combination of community-based services and educational and vocational programming for the immediately preceding fiscal year and each prior fiscal year through FY 2014-2015.
- (5) A comparison of post-incarceration employment rates for individuals who received educational and vocational programming for the immediately preceding fiscal year and each prior fiscal year through FY 2014-2015.

(Amends R.S. 15:827.1(E)(2), 827.2(A)(2) and (3), and 827.3; Repeals R.S. 15:827.2(D)(7))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Require rather than authorize DPS&C to enter into cooperative endeavors or contracts with the La. Workforce Commission, the La. Dept. of Education, and the La. community and technical colleges, and service providers for educational opportunities for certain offenders.

The House Floor Amendments to the engrossed bill:

1. Remove proposed law which required the following:
 - (a) 25% of annual savings to be allocated to DPS&C for targeted investments in reentry services, community supervision, educational and vocational programming, transitional work programs, and contracts with parish jails and other local facilities to incentivize expansion of recidivism reduction programming and treatment services.
 - (b) DPS&C to use the money to provide educational and vocational programming to no less than 50% of eligible individuals each year.
 - (c) 20% of annual savings to be allocated to DPS&C for juvenile justice initiatives and programs.
2. Require 45% of annual savings to be allocated to the La. Community and Technical College System for targeted investments in educational and vocational training aimed at recidivism reduction programming for adult and juvenile offenders.
3. Require the La. Community and Technical College System to report to the legislature by Dec. 15 of each year.