

Regular Session, 2010

HOUSE BILL NO. 990

BY REPRESENTATIVE THIERRY AND SENATOR GUILLORY

CORRECTIONS: Amends provisions of the Inmate Rehabilitation and Workforce Development Act

1 AN ACT

2 To amend and reenact R.S. 15:1199.1, 1199.2(A)(introductory paragraph), 1199.3(2),
3 1199.4(A) and (M), 1199.7(A) and (C), 1199.9, 1199.10(B)(1) and (H), 1199.11,
4 1199.12, and 1199.14(B) and to enact R.S. 15:1199.2(A)(5), (6), (7), (8), and (9) and
5 (G), (H), (I), (J), (K), and (L), 1199.3(9) and 1199.4(N), relative to inmate
6 rehabilitation; to provide for reentry programs and initiatives; to provide for
7 definitions; to provide for additional duties of the reentry advisory council; to
8 provide with respect to eligibility standards; to provide for certification and licensing
9 of skilled craftsmen; to provide for the percentage of inmate wages which can be
10 taken to pay for some of the expenses of the program; to provide for the duration of
11 the program; to provide for applicability; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 15:1199.1, 1199.2(A)(introductory paragraph), 1199.3(2), 1199.4(A)
14 and (M), 1199.7(A) and (C), 1199.9, 1199.10(B)(1) and (H), 1199.11, 1199.12, and
15 1199.14(B) are hereby amended and reenacted and R.S. 15:1199.2(A)(5), (6), (7), (8), and
16 (9) and (G), (H), (I), (J), (K), and (L), 1199.3(9), and 1199.4(N) are hereby enacted to read
17 as follows:

1 PART XVIII. REENTRY ADVISORY COUNCIL AND ~~INMATE~~ OFFENDER

2 REHABILITATION AND WORKFORCE DEVELOPMENT

3 §1199.1. Short title

4 This Part may be referred to and may be cited as the "~~Inmate Rehabilitation~~
5 Reentry Advisory Council and Offender Rehabilitation Workforce Development
6 Act".

7 §1199.2. Legislative findings

8 A. The mission of incarceration in the criminal justice system is to enhance
9 public safety through the safe and secure incarceration of offenders, effective
10 probation and parole supervision, and proven rehabilitative strategies that
11 successfully reintegrate offenders into society, as well as assisting individuals and
12 communities victimized by crime. The goals and priorities of incarceration in the
13 criminal justice system involve a commitment to public safety and rehabilitation and
14 are:

15 * * *

16 (5) To provide safety to both corrections staff and offenders.

17 (6) To provide basic services.

18 (7) To provide opportunities for change.

19 (8) To provide opportunities for restitution.

20 (9) To provide effective strategies for reentry into society following
21 incarceration.

22 * * *

23 G. Successful offender reentry and reintegration into the community is a
24 matter of critical importance to the public's safety, but reentry is often unsuccessful
25 due to the barriers ex-offenders face upon release. Those barriers include, but are not
26 limited to, a lack of education and job skills, employment prohibition in selected
27 occupations, mental health and substance abuse problems, access to valid
28 identification documents, child support enforcement regulations, access to public
29 housing and other public benefits, and strained or fragile family and community ties.

1 task force shall perform the essential functions of the Reentry Advisory Council on
2 the local level as defined in R.S. 15:1199.4(N).

3 §1199.4. ~~Inmate Rehabilitation and Workforce Development~~ Reentry Advisory
4 Council; creation; members; powers and duties

5 A. The ~~Inmate Rehabilitation and Workforce Development~~ Reentry
6 Advisory Council is hereby created within the Department of Public Safety and
7 Corrections.

8 * * *

9 M. The council shall serve as an advisory body to the secretary and the
10 legislature on the administration of the program as authorized by this Part.

11 N. The Reentry Advisory Council shall:

12 (1) Identify methods to improve collaboration and coordination of offender
13 transition services, including cross-agency training and information sharing that will
14 help to improve outcomes for offenders.

15 (2) Establish a means to share data, research, and measurement resources in
16 relation to reentry initiatives with relevant agencies.

17 (3) Identify funding areas that should be coordinated across agencies to
18 maximize the delivery of state and community-based services as they relate to
19 reentry.

20 (4) Identify areas in which improved collaboration and coordination of
21 programs and activities will result in increased effectiveness or efficiency of service
22 delivery.

23 (5) Promote areas of research and program evaluation that can be
24 coordinated across agencies with an emphasis on applying evidence-based practices
25 to support treatment and intervention programs for offenders.

26 (6) Conduct a review of existing policies and practices and make specific
27 recommendations to the legislature for systemic improvement.

28 (7) Create and support local reentry councils in collaboration with
29 community stakeholders throughout the state.

1 meets the eligibility requirements for participation in work release as provided for
2 in R.S. 15:711 and 1111.

3 ~~(1) A sex offense as defined in R.S. 15:541.~~

4 ~~(2) A crime of violence as defined in R.S. 14:2(B).~~

5 ~~(3) A habitual offender in accordance with R.S. 15:529.1.~~

6 * * *

7 §1199.9. Workforce development work release for participants and graduates of
8 program administered by the department

9 A. ~~Notwithstanding the provisions of R.S. 15:711 or 1111 or any other~~
10 ~~provision of law to the contrary, an inmate who has graduated from the program and~~
11 ~~obtained the proper certification or licensing as a skilled craftsman may participate~~
12 ~~in a workforce development work release program administered by the department.~~

13 B. Workforce development work release shall be for inmates who are
14 eligible for work release as provided for in R.S. 15:711 and 1111. Eligible
15 participants shall produce documentation to support having certification or licensure
16 as a skilled craftsman or who have graduated from the ~~inmate rehabilitation and~~
17 workforce development training program and have been certified or licensed as
18 skilled craftsmen, or who are participating in the ~~inmate rehabilitation and~~ workforce
19 development training program and are working toward licensing or certification as
20 a skilled craftsman pursuant to R.S. 15:1199.12.

21 ~~C.~~ B. The department shall designate and adapt facilities for the purpose of
22 housing inmates with workforce development work release privileges, or it may
23 arrange and contract for other facilities, including but not limited to portions of
24 parish jails for inmates employed in the area.

25 ~~D.~~ C. Every inmate with workforce development work release privileges
26 shall be liable for the cost of his room, board, clothing, and other necessary expenses
27 of his employment or placement unless other means of payment are approved by the
28 department.

1 ~~E.~~ D. The wages of any inmate so employed shall be collected by the
2 secretary or his designated agent, shall be deposited in a public banking institution,
3 and a ledger showing the financial status of each inmate on the program shall be
4 kept.

5 ~~F.~~ E. The wages of each inmate shall be disbursed by the department for the
6 following purposes and in the order stated:

7 (1) The expenses for the board of the inmate including food and clothing.

8 (2) Necessary travel expenses to and from work and other incidental
9 expenses of the inmate.

10 (3) Any tuition, books, or other costs associated with the program which are
11 required to be paid by participants in the program.

12 (4) Any necessary fees for the examination for certification or licensing in
13 a craft.

14 (5) Any certification or licensing fees required to become a skilled
15 craftsman.

16 (6) Any court-ordered child support owed by the inmate. The support may
17 be paid in installments approved by the department.

18 (7) Any court-ordered restitution, or restitution owed to the department, or
19 any other obligations acknowledged by the inmate in writing, or which have been
20 reduced to judgment. The obligations may be paid in installments approved by the
21 department.

22 (8) Any drug testing as required by the provisions of this Part.

23 (9) The balance, if any, to the inmate upon his discharge.

24 ~~G.~~ F. The wages of an inmate so employed shall not be less than the
25 customary wages for an employee performing similar services.

26 ~~H.~~ G. Deductions for room, board, and other administrative costs resulting
27 from participation in a workforce development work release program authorized by
28 this Section shall not exceed ~~seventy-five~~ fifty percent of the wages received by an
29 inmate.

1 §1199.10. Workforce development work release for participants and graduates of
2 the program administered by the sheriff

3 * * *

4 B.(1) Inmates sentenced to the department and housed in other facilities as
5 provided for in Subsection A of this Section shall be eligible to participate in
6 workforce development work release pursuant to R.S. 15:1199.12 or a workforce
7 development work release program administered by the sheriff provided the inmate
8 participant produces documentation to support having certification or licensure as
9 a skilled craftsman or has graduated from the ~~inmate rehabilitation and~~ workforce
10 development training program and obtained the proper certification or licensing as
11 a skilled craftsman, or is participating in the ~~inmate rehabilitation and~~ workforce
12 development training program and is working toward licensing or certification as a
13 skilled craftsman.

14 * * *

15 H. Deductions for expenses listed in Subsection F of this Section resulting
16 from participation in a workforce development work release program authorized by
17 this Section shall not exceed ~~seventy-five~~ fifty percent of the wages received by an
18 inmate.

19 §1199.11. Traditional work release programs not affected

20 Participation in workforce development work release programs as authorized
21 by the provisions of R.S. 15:1199.9 and 1199.10 shall not be construed to prohibit
22 an inmate from participating in a work release program authorized by the provisions
23 of R.S. 15:711 or 1111 if the inmate is otherwise eligible for participation. ~~However;~~
24 however, only those inmates who can produce documentation to support having
25 certification or licensure as a skilled craftsman or who have graduated from the
26 program and have been certified or licensed as skilled craftsmen or those inmates
27 who are participating in the ~~inmate rehabilitation and~~ workforce development
28 training program and are working toward licensing or certification as a skilled

1 craftsman pursuant to R.S. 15:1199.12 may participate in workforce development
2 work release as authorized by the provisions of R.S. 15:1199.9 and 1199.10.

3 §1199.12. Program duration; development; selection of craft

4 A. ~~The program shall be designed to last for two years.~~

5 B. The department, ~~with advice from the council,~~ shall assist each inmate in
6 selecting a craft as provided for in this Part.

7 C. ~~B.~~ The pairing of the inmate with a particular craft shall be determined
8 by all of the following:

9 (1) The skills, interests, and abilities of the inmate. This shall include actual
10 demonstration and simulation of the respective crafts.

11 (2) Likelihood of successful job placement and opportunity upon graduation
12 from the program, including the need for particular craftsmen at the time the inmate
13 enters the program.

14 (3) The availability of training facilities, instructors, and the number of
15 inmates enrolled for particular crafts.

16 ~~D.C.~~(1) Eligible inmates who have been admitted to the program shall
17 participate in a ~~one-year intensive~~ selected craft training program ~~in a selected craft~~.

18 (2) Upon completion of the ~~one-year intensive training program~~ selected
19 craft training program, the inmate shall qualify for continuing training, if available,
20 including workforce development, work release apprenticeship, or similar on-the-job
21 training that leads to the fulfillment of the requirements for licensing or certification
22 in the selected craft, to the extent and in the manner permitted by regulations adopted
23 by the department.

24 (3) The inmate shall take any necessary examination required for
25 certification or licensing in the selected craft if the inmate fulfills all requirements
26 for taking the examination.

27 (4) Upon successful completion of any certification or licensing as a skilled
28 craftsman, the inmate shall begin a ~~one-year~~ participation in the workforce
29 development work release program. The department may by rule provide for the

1 crediting of work release pursuant to the provisions of this Subsection toward this
2 requirement.

3 E. D. Upon completion of the ~~one-year~~ workforce development work release
4 program, the inmate shall be released on his diminution of sentence release date and
5 placed under good time parole supervision for the remainder of his sentence. It shall
6 be an additional condition of the inmate's supervised parole that he maintain
7 employment as a skilled craftsman at a location approved by the department, unless
8 extenuating circumstances prevent such employment.

9 F. E. The provisions of this Part shall not be construed to relieve an inmate
10 from meeting any certification or licensing requirements for a selected craft
11 established by a professional licensing board or association or which are otherwise
12 provided for by law.

13 * * *

14 §1199.14. Substance abuse treatment and counseling

15 * * *

16 B. The department ~~with the assistance of the council~~ shall determine the
17 amount of substance abuse treatment and counseling that inmates who participate in
18 the program shall receive.

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)]

Thierry

HB No. 990

Abstract: Establishes the "Reentry Advisory Council and Offender Rehabilitation and Workforce Development Act".

Present law provides for the "Inmate Rehabilitation and Workforce Development Act".

Present law further provides for the inmate rehabilitation and workforce development program to be administered by DPS&C.

Proposed law changes the name of the act to the "Reentry Advisory Council and Offender Rehabilitation Workforce Development Act".

Present law provides that the inmate rehabilitation and workforce development advisory council shall function as an advisory body for DPS&C in administering the program.

Proposed law changes the name of the council to the Reentry Advisory Council and provides the following additional duties:

- (1) Identify methods to improve collaboration and coordination of offender transition services, including cross-agency training and information sharing that will help to improve outcomes for offenders.
- (2) Establish a means to share data, research, and measurement resources in relation to reentry initiatives with relevant agencies.
- (3) Identify funding areas that should be coordinated across agencies to maximize the delivery of state and community-based services as they relate to reentry.
- (4) Identify areas in which improved collaboration and coordination of programs and activities will result in increased effectiveness or efficiency of service delivery.
- (5) Promote areas of research and program evaluation that can be coordinated across agencies with an emphasis on applying evidence-based practices to support treatment and intervention programs for offenders.
- (6) Conduct a review of existing policies and practices and make specific recommendations to the legislature for systemic improvement.
- (7) Create and support local reentry councils in collaboration with community stakeholders throughout the state.
- (8) Commence offender reentry public education campaigns.
- (9) Enhance the role of faith and community-based services for formerly incarcerated persons.
- (10) Provide coordination of reentry initiatives across the state and ensure eligibility for Second Chance Act grant opportunities and other reentry grant opportunities.

Present law provides that deductions for room, board, and other administrative costs resulting from participation in a workforce development work release program authorized by present law shall not exceed 75% of the wages received by an inmate.

Proposed law changes present law deductions from 75% to 50%.

(Amends R.S. 15:1199.1, 1199.2(A)(intro. para.), 1199.3(2), 1199.4(A) and (M), 1199.7(A) and (C), 1199.9, 1199.10(B)(1), and (H), 1199.11, 1199.12, and 1199.14(B); Adds R.S. 15:1199.2(A)(5), (6), (7), (8), and (9) and (G), (H), (I), (J), (K), and (L), 1199.3(9), and 1199.4(N))