
DIGEST

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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)