

2018 Regular Session

SENATE BILL NO. 548

BY SENATOR BOUDREAUX

VETERANS. Creates a pretrial diversion program for veterans diagnosed with post traumatic stress disorder. (gov sig)

1 AN ACT

2 To enact R.S. 15:244, relative to criminal procedure; to provide for a pretrial diversion
3 program for current members and veterans of the military; to provide for an effective
4 date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:244 is hereby enacted to read as follows:

7 **§244. Military pretrial diversion program**

8 **A. The district attorney for each judicial district, alone or in conjunction**
9 **with the district attorney of an adjacent judicial district, may create and**
10 **administer a pretrial diversion program for defendants charged with a felony**
11 **that is not a crime of violence as defined in R.S. 14:2(B) or a misdemeanor**
12 **offense that also meets the requirements of Subsection B of this Section.**

13 **B. This Section shall apply whenever a case is before a court alleging the**
14 **commission of a nonviolent felony or misdemeanor offense, and both of the**
15 **following criteria are satisfied:**

16 **(1) The individual is a veteran as defined in R.S. 13:5364.**

17 **(2) The defendant has been diagnosed with post traumatic stress disorder**

1 as a result of military service and provides documentation of the diagnosis to
 2 the court.

3 C. At the discretion of the district attorney, after costs associated with
 4 the administration of the program are paid, a portion of all remaining monies
 5 collected pursuant to this Section may be distributed to entities within the
 6 judicial district, or within the judicial districts participating in the program,
 7 that provide rehabilitative services and treatment to veterans that have been
 8 diagnosed with post traumatic stress disorder.

9 Section 2. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 effective on the day following such approval.

The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ashley Menou.

DIGEST

SB 548 Engrossed

2018 Regular Session

Boudreaux

Proposed law provides that any district attorney, alone or working with the district attorney of an adjacent judicial district, may create a pretrial diversion program for defendants charged with a nonviolent misdemeanor offense that qualify as veterans diagnosed with PTSD.

Proposed law will apply whenever a case is before a court alleging the commission of a felony that is not a crime of violence or a misdemeanor offense, and both of the following criteria are satisfied:

- (1) The individual is a veteran.
- (2) The defendant has been diagnosed with PTSD as a result of military service and provides documentation of his diagnosis.

Proposed law provides that at the discretion of the district attorney, after costs associated with the administration of the program are paid, a portion of all remaining monies collected may be distributed to entities within the judicial district, or within the judicial districts participating in the program, that provide rehabilitative services and treatment to veterans that have been diagnosed with PTSD.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 15:244)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Makes technical changes.
2. Removes the requirement that each district attorney create a military pretrial diversion program and makes the creation of such program permissive.
3. Clarifies that a veteran cannot be charged with a felony that is defined as a crime of violence in present law to be eligible for the program.
4. Requires the veteran to provide documentation of his diagnosis.
5. Provides that remaining monies may be distributed to entities that provide rehabilitative services and treatment to veterans diagnosed with post traumatic stress disorder.