
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Camille A. Sebastien.

DIGEST

Proposed law requires DPS&C to establish a work furlough program for eligible inmates to participate in disaster recovery and emergency relief work, and to grant such work furloughs under rules, regulations, and procedures to be promulgated by the secretary of the department.

Authorizes DPS&C to release an inmate on work furlough if the inmate has not been convicted of a crime not defined or enumerated as a crime of violence in R.S. 14:2(13), if the inmate has served not less than 6 months of the sentence imposed by the court, and is within 12 months of the inmate's parole or release date and his release would be in the public interest.

Prohibits the application of those inmates who have been convicted of the following:

- (1) A sex offense as defined in R.S. 15:540 et seq. when the victim is under the age of eighteen at the time of commission of the offense.
- (2) A violation of the Uniform Controlled Dangerous Substances Law except for any of the following:
 - (a) Possession as defined in R.S. 40:966(C), 967(C), 968(C), 969(C) or 970(C).
 - (b) Distribution or possession with the intent to distribute cocaine where the offense of conviction involves less than 28 grams of cocaine.
 - (c) Distribution or possession with the intent to distribute marijuana where the offense of conviction involves less than 1 pound of marijuana.
 - (d) A person sentenced to a term of life imprisonment for a violation of the Uniform Controlled Dangerous Substances Law who has served at least 7 years of the term of imprisonment in actual custody. However, the provisions of this Subparagraph shall not apply to any person who has been convicted of a sex offense as provided for in Paragraph (1) of this Subsection or to any person who has been sentenced as a habitual offender under R.S. 15:529.1 where one or more of the crimes for which the person was convicted and sentenced under R.S. 15:529.1 is a crime of violence defined or enumerated in R.S. 14:2(13).
- (3) A habitual offender under R.S. 15:529.1 where one or more of the crimes for which the person was convicted and sentenced under R.S. 15:529.1 is a crime of violence defined or enumerated in R.S. 14:2(13).

Authorizes DPS&C to contract with a public or private nonprofit or profit corporation to provide

work furlough programs to eligible inmates if the corporation meets criteria promulgated by the department.

Authorizes DPS&C to deny placement in a work furlough program if it is determined that an inmate would pose an unreasonable risk of harm to the public.

Requires DPS&C, before releasing an inmate on work furlough, to notify and afford an opportunity to be heard to the appropriate district court judge, the district attorney, and the victim of the offense. Further requires that the notice state the name of the inmate requesting the work furlough, the offense for which the inmate was sentenced, the length of the sentence, the date of admission to the custody of the department and notification to the victim of his right to be present and to submit a written report to the department expressing his opinion concerning the inmate's release. Prohibits a hearing concerning work furlough until 15 days after the date of giving the notice.

Requires DPS&C to notify local law enforcement officials in the parish where the inmate is to be furloughed a reasonable time prior to placing said inmate on furlough.

Provides that inmates transferred to work furlough shall remain under the legal custody of DPS&C.

Requires earned wages by the inmate to be paid to the administrator of the program after standard payroll deductions required by law and to be allocated as follows:

- (1) To pay any amounts to defray the costs of the inmate's keep, confinement, and supervision.
- (2) To pay for travel and other such expenses made necessary by the inmate's work furlough.
- (3) To provide support and maintenance for the inmate's dependents or to make payments to DSS on behalf of dependents who are receiving public assistance.
- (4) To pay any fines, restitution, or other costs as ordered by the court.
- (5) Any remaining balance shall be retained to the credit of the inmate and paid to him upon his release from confinement.

Provides that any inmate violating the conditions of work furlough be subject to the disciplinary procedures identified in a classification manual developed for such purposes.

Requires that this work furlough program remain in effect for the duration of the disaster and emergency recovery period and authorizes DPS&C to recommend that the person be considered for clemency by the Board of Pardons or be considered for parole by the Board of Parole when the inmate has satisfactorily completed his assignment to a work furlough program.

(Adds R.S. 15:833.1)