

Regular Session, 2014

HOUSE BILL NO. 914

BY REPRESENTATIVE LEGER

FUNDS/FUNDING: Creates the Community Corrections Performance Incentive Act and applies cost savings from reduced incarceration costs to building up community-based corrections

1 AN ACT

2 To enact Subpart F of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised  
3 Statutes of 1950, to be comprised of R.S. 39:89.1 through 89.7, to create the  
4 Community Corrections Performance Act; to provide for a determination of state  
5 savings due to new offenses by probationers and revocations to prison; to provide for  
6 the appropriation of a portion of such savings; to provide for funding; and to provide  
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Subpart F of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana  
10 Revised Statutes of 1950, comprised of R.S. 39:89.1 through 89.7, is hereby enacted to read  
11 as follows:

12 SUBPART F. COMMUNITY CORRECTIONS PERFORMANCE ACT

13 §89.1. Title

14 This Subpart shall be known as and may be cited as the "Community  
15 Corrections Performance Act".

16 §89.2. Legislative findings and intent

17 The provisions of this Subpart are intended to reduce crimes committed by  
18 probationers and the number of probationers revoked to prison by giving the  
19 Department of Public Safety and Corrections a share of the savings to the state from

1        reduced incarceration costs when the department is able to reduce both new offenses  
2        by probationers and revocations to prison. By linking funding to performance, this  
3        Subpart creates a positive incentive for the department to improve its probation  
4        supervision practices to enhance public safety and reduce costs to taxpayers.

5        §89.3. Definitions

6                (1) "Conditions of supervision" means conditions of probation, parole, or  
7        other forms of post-prison supervision.

8                (2) "Department" means the Department of Public Safety and Corrections.

9                (3) "Evidence-based practices" means supervision policies, procedures,  
10        programs, and practices that scientific research demonstrates reduce recidivism  
11        among people on probation, parole, or post-release supervision.

12                (4) "Supervised individual" means an individual placed on probation by a  
13        court or serving a period of parole or post-release supervision from prison or jail.

14        §89.4. Calculation of state prison savings

15                The legislative fiscal office shall annually calculate:

16                (1) The percentage of supervised individuals who are revoked for violations  
17        of their conditions of supervision and ordered to serve a term of imprisonment in the  
18        department. This calculation shall be based on the year prior to the year in which the  
19        report is required pursuant to R.S. 39:89.7.

20                (2) The percentage of supervised individuals who are convicted of a new  
21        felony offense and sentenced to a term of imprisonment in the department. This  
22        calculation shall be based on the year prior to the year in which the report is required  
23        pursuant R.S. 39:89.7.

24                (3) Any state expenditures that have been avoided by reductions in the  
25        revocation rate as calculated in Paragraph (1) of this Section.

26                (4) Any state expenditures that have been avoided by reductions in the new  
27        felony offense conviction rate as calculated in Paragraph (2) of this Section.

1       §89.5. Performance incentive funding

2               A. Beginning in Fiscal Year 2015-2016, the legislature shall annually  
3       appropriate up to forty-five percent of any state expenditures that are avoided as  
4       calculated in R.S. 39:89.4. The averted expenditures shall be appropriated to the  
5       department.

6               B. The appropriations in Subsection A of this Section shall be subject to the  
7       following provisions:

8               (1) None of the calculated savings shall be appropriated annually to the  
9       department if there is an increase in the percentage of individuals supervised by the  
10       department who are convicted of a new felony offense as calculated in R.S. 39:89.4

11       (2).

12               (2) Of the state expenditures that have been avoided by a reduction in the  
13       revocation rate, as calculated in R.S. 39:89.4(1):

14               (a) Thirty percent of the total savings shall be appropriated to the  
15       department.

16               (b) An additional five percent of the total savings shall be appropriated to the  
17       department if there is an increase in the percentage of people who are supervised by  
18       the department and who are employed in a full-time job or employed part time for  
19       at least twenty-five hours per week, provided that the department has submitted data  
20       to the legislative fiscal office showing the increases. The legislative fiscal office  
21       shall include this information in the report required pursuant to R.S. 39:89.7.

22               (c) An additional five percent of the total savings shall be appropriated to the  
23       department if there is an increase in the percentage of people who are supervised by  
24       the department who are current in their payments of victim restitution, provided that  
25       the department has submitted data to the legislative fiscal office showing the  
26       increases. The legislative fiscal office shall include this information in the report  
27       required pursuant to R.S. 39:89.7.

28               (d) An additional five percent of the total savings shall be appropriated to the  
29       department if there is a decrease in the percentage of people who are supervised by

1        the department and who test positive for controlled substances, provided that the  
2        department has submitted data to the legislative fiscal office showing the decreases.  
3        The legislative fiscal office shall include this information in the report required  
4        pursuant to R.S. 39:89.7.

5                (3) Of the state expenditures that have been avoided by a reduction in the  
6        new felony offense conviction rate as calculated in R.S. 39:89.4(A)(2):

7                (a) Thirty percent of the total savings shall be appropriated to the  
8        department.

9                (b) An additional five percent of the total savings shall be appropriated to the  
10       department if there is an increase in the percentage of people who are supervised by  
11       the department and who are employed in a full-time job or employed part time for  
12       at least twenty-five hours per week, provided that the agency has submitted data to  
13       the legislative fiscal office showing the increases. The legislative fiscal office shall  
14       include this information in the report required pursuant to R.S. 39:89.7.

15               (c) An additional five per cent of the total savings shall be appropriated to  
16       the department if there is an increase in the percentage of people who are supervised  
17       by the department who are current in their payments of victim restitution, provided  
18       that the department has submitted data to the legislative fiscal office showing the  
19       increases. The legislative fiscal office shall include this information in the report  
20       required pursuant to R.S. 39:89.7.

21               (d) An additional five percent of the total savings shall be appropriated to the  
22       department if there is a decrease in the percentage of people who are supervised by  
23       the department and who test positive for controlled substances.

24               (4) The monies appropriated pursuant to this Subpart shall be used to  
25       supplement, not supplant, any other state or local appropriations for probation, parole  
26       or other post-prison supervision services.

27        §89.6. Use of funds

28               Monies received through appropriations pursuant to this Subpart shall be used  
29       for the following purposes:

1           (1) Implementation of evidence-based practices.

2           (2) Increasing the availability of risk reduction programs and interventions,  
3           including substance abuse treatment programs, for supervised individuals.

4           (3) Grants to nonprofit victim services organizations to partner with the  
5           community corrections agencies and courts to assist victims and increase the amount  
6           of restitution collected from probationers.

7           §89.7. Reports

8           A. On or before October 1 of each year, beginning in 2014, the judicial  
9           branch and the department shall jointly report to the legislative fiscal office the data  
10          necessary for the legislative fiscal office to perform the calculations required by R.S.  
11          39:89.4. The report shall provide separate figures for probation and parole or other  
12          forms of post-prison supervision and shall include for the prior year all of the  
13          following:

14           (1) The number of supervised individuals, by agency.

15           (2) The number and percentage of supervised individuals, by agency, who  
16           were revoked for violations of their conditions of supervision and ordered to serve  
17           a term of imprisonment in the state.

18           (3) The number and percentage of supervised individuals, by agency, who  
19           were convicted of a new felony offense and sentenced to a term of imprisonment in  
20           the state.

21          B. On or before December 1 of each year, beginning in 2014, the legislative  
22          fiscal office shall report each year on the implementation of this Subpart to the  
23          president of the Senate, the speaker of the House of Representatives, the chief justice  
24          of the Louisiana Supreme Court, and the governor. The report shall include the  
25          calculations made pursuant to R.S. 39:89.4 and the resulting performance incentive  
26          funding, if any, to be appropriated.

27          C. The legislative fiscal office shall make its full report and an executive  
28          summary available to the general public on its website.

---

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)]

---

Leger

HB No. 914

**Abstract:** Creates the Community Corrections Performance Act. Appropriates monies to the Dept. of Public Safety and Corrections from savings due to reductions in recidivism.

Proposed law creates the Community Corrections Performance Act which directs the legislative fiscal office (the LFO) to annually calculate state prison savings by determining the change in the revocation rate and the new felony offense conviction rate of supervised individuals and any state savings due to a reduction in these rates.

Proposed law provides that up to 45% of the prison savings shall be annually appropriated to the Dept. of Public Safety and Corrections (the dept.). However, none of the calculated savings shall be appropriated if there is an increase in the percentage of individuals supervised by the department who are convicted of a new felony offense.

The 45% of savings as a result of the reduction in the revocation rate and the 45% of savings as a result of the reduction in the new felony offense conviction rate shall be allocated as follows:

- (1) 30% to the dept.
- (2) An additional 5% shall be appropriated to the dept. if there is an increase in the percentage of supervised people who are employed for at least 25 hours per week, if this information is included in the LFO report.
- (3) An additional 5% shall be appropriated to the dept. if there is an increase in the percentage of people who are supervised by the dept. who are current in their payments of victim restitution, if this information is included in the LFO report.
- (4) An additional 5% shall be appropriated to the dept. if there is a decrease in the percentage of supervised people who test positive for controlled substances, if this information is included in the LFO report.

Prohibits the monies appropriated pursuant to proposed law from supplanting any other state or local appropriations for probation, parole or other post-prison supervision services.

Monies received through appropriations pursuant to proposed law shall be used for the implementation of practices which have a demonstrated reduction in recidivism; increasing the availability of risk reduction programs and interventions for supervised individuals; and grants to nonprofit victim services organizations to assist victims and increase the amount of restitution collected from probationers.

On or before October 1 of each year, beginning in 2014, the judicial branch and the department shall jointly report to the LFO, the data necessary for the LFO to perform the calculations required in proposed law. The report shall provide separate figures for probation and parole or other forms of post-prison supervision and shall include by agency for the prior year, the number of supervised individuals, the number and percentage of revocations and the number and percentage of new state felony convictions.

Proposed law requires the LFO to prepare an annual report on or before Dec 1 beginning in 2014, including any calculations made and resulting performance incentive funding to be appropriated.

(Adds R.S. 39:89.1-89.7)