

**ACT No. 273**

HOUSE BILL NO. 394

BY REPRESENTATIVES COX, BACALA, BAGNERIS, BERTHELOT, TERRY BROWN, ROBBY CARTER, GISCLAIR, GLOVER, HALL, HAZEL, HODGES, HOWARD, HUNTER, JACKSON, JEFFERSON, JENKINS, JOHNSON, JONES, TERRY LANDRY, LYONS, MARCELLE, MARINO, NORTON, PIERRE, POPE, PYLANT, REYNOLDS, SCHEXNAYDER, WHITE, AND WRIGHT AND SENATORS BARROW AND BISHOP

1 AN ACT

2 To enact Part XIX of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 15:1199.21 through 1199.26, relative to the Post-Conviction  
4 Veterans Mentor Program; to provide for the establishment of the Post-Conviction  
5 Veterans Mentor Program; to provide for definitions; to provide for development and  
6 administration of the program; to provide for eligibility criteria; to provide for  
7 veteran mentors; to provide for work opportunities for veterans participating in the  
8 program; to provide for the establishment of transitional facilities; and to provide for  
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part XIX of Chapter 7 of Title 15 of the Louisiana Revised Statutes of  
12 1950, comprised of R.S. 15:1199.21 through 1199.26, is hereby enacted to read as follows:

13 PART XIX. POST-CONVICTION VETERANS MENTOR PROGRAM

14 §1199.21. Short title

15 This Part may be referred to and may be cited as the "Post-Conviction  
16 Veterans Mentor Program".

§1199.22. Purpose

The Legislature of Louisiana recognizes that there is a critical need for criminal justice system programs to assist veterans in order to reduce the incidence of recidivism. As with the Veterans Court probation program, there is also a need to assist veterans who have been convicted of offenses. Those veterans who are eligible and willing to participate in the program could serve as mentors for veterans participating in the Veterans Court probation program. Therefore, it is the intent of the Legislature of Louisiana to create an opportunity for veterans convicted of certain offenses to return to society and be successful in re-entry into the workplace. The goal of the Post-Conviction Veterans Mentor Program is to reduce recidivism among veterans and to provide those who have served this country with the assistance that they need and deserve.

§1199.23. Definitions

For the purposes of this Part:

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

(2) "Veteran" means an honorably or generally discharged member of the United States Armed Forces or organized militia of the several states and territories, including but not limited to a member of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, Air National Guard, Reserves, State Guard, or a commissioned officer of the Public Health Service, Environmental Science Services Administration, or National Oceanic and Atmospheric Administration, or its predecessor, the United States Coast and Geodetic Survey.

§1199.24. Post-Conviction Veterans Mentor Program for incarcerated veterans; eligibility criteria

A. Notwithstanding any other provision of law to the contrary, an offender who is incarcerated shall be eligible to participate in the Post-Conviction Veterans Mentor Program if all of the following conditions are met:

(1) The offender satisfies the eligibility requirements of R.S. 13:5366 (Veterans Court Program).

1           (2) The department has reason to believe that the offender could benefit from  
2           the Post-Conviction Veterans Mentor Program.

3           (3) The offender is committed to the Department of Public Safety and  
4           Corrections for a term or terms of imprisonment with or without benefit of parole.

5           (4) The offender has completed all programming deemed appropriate by the  
6           Department of Public Safety and Corrections.

7           (5) The offender has not committed any major disciplinary offenses in  
8           twelve consecutive months prior to the transfer. A major disciplinary offense is an  
9           offense identified as a Schedule B offense by the Department of Public Safety and  
10          Corrections in the Disciplinary Rules and Procedures for Adult Offenders.

11          (6) The offender has completed the mandatory minimum of one hundred  
12          hours of prerelease programming in accordance with the provisions of R.S. 15:827.1  
13          if such programming is available at the facility where the offender is incarcerated.

14          (7) The offender has obtained a GED credential, unless the offender has  
15          previously obtained a high school diploma or is deemed by a certified educator as  
16          being incapable of obtaining a GED.

17          (8) The offender, at the time of consideration for the program, is not  
18          designated as "high risk" and is considered "low risk".

19          (9) The offender is committed to the custody of the Department of Public  
20          Safety and Corrections.

21          (10) The offender has attained forty years of age and has served at least ten  
22          years of the term or terms of imprisonment.

23          B. An eligible offender shall then be subject to pre-screening by the  
24          Department of Public Safety and Corrections, office of adult services for placement  
25          in a transitional work program.

26          C. If the offender is approved by the Department of Public Safety and  
27          Corrections, office of adult services they shall be transferred to an appropriate  
28          transitional work program. After three successful years in a transitional work  
29          program, the offender shall be granted a parole hearing, if not otherwise eligible for  
30          a hearing prior to such date.

1                   D. To maintain eligibility to participate in the program, the offender must  
2                   comply with all of the following requirements:

3                   (1) Maintain parole eligibility pursuant to the provisions of R.S. 15:574.4.

4                   (2) Continue to participate in all programming deemed appropriate by the  
5                   Department of Public Safety and Corrections and the Department of Veterans  
6                   Affairs.

7                   (3) Meet once a month with an authorized veteran transition counselor.

8                   (4) Perform at least fifty hours of unpaid community service to any veteran  
9                   or military program, including the Veterans Court probation program.

10                  (5) Offenders approved for placement in a transitional facility shall serve as  
11                  mentors of the Veterans Court probation program if they receive a favorable  
12                  recommendation as provided in R.S. 15:1199.25.

13                  E. Any violation of the conditions of eligibility provided for in Subsection  
14                  D of this Section shall subject the veteran to disciplinary sanctions up to and  
15                  including removal from the transitional work program. Any veteran removed from  
16                  the program shall not be eligible for further consideration pursuant to this Part.

17                  F. After the successful completion of the assigned term at the transitional  
18                  facility, the veteran shall be granted a hearing before the committee on parole. If the  
19                  veteran is granted parole, then the veteran shall be released on parole or released on  
20                  diminution of sentence. Any veteran whose parole is revoked shall not be eligible to  
21                  participate in the program.

22                  §1199.25. Mentor program for Veterans Court probation program; job assistance

23                  A. Veterans shall serve as mentors of the Veterans Court probation program  
24                  upon receiving a favorable recommendation by the Board of Pardons based on a pre-  
25                  screen assessment developed by the Board of Pardons. As mentors, these  
26                  incarcerated veterans may serve as liaisons between the program and the participant.  
27                  Each mentor shall work in close association with the court and its officers to assist  
28                  in coordinating strategies for careful monitoring and the production of effective  
29                  assistance for the success of the participant. The purpose of the mentor role is to  
30                  serve as the first line of defense against relapse and recidivism.

1                   B. The department, through placement of the offender in a transitional work  
 2                   program, shall facilitate work opportunities for veterans participating in the Post-  
 3                   Conviction Veterans Mentor Program.

4                   C.(1) Any mentor who is employed shall be responsible for the cost of his  
 5                   room, board, clothing, and other necessary expenses unless other means of payment  
 6                   are approved by the department.

7                   (2) The wages of any such veteran shall be disbursed for the following  
 8                   purposes subject to the approval of the department:

9                   (a) The room and board of the veteran including food and clothing.

10                  (b) Necessary travel expenses to and from work and other incidental  
 11                  expenses of the veteran.

12                  (c) Any court-ordered child support owed by the veteran.

13                  (d) Any court-ordered restitution, or restitution owed to the department, or  
 14                  any other obligations acknowledged by the veteran in writing, or which have been  
 15                  reduced to judgment. The obligations may be paid in installments approved by the  
 16                  department.

17                  (e) The balance, if any, owed to the veteran upon his discharge.

18                  (3) The wages of an employed veteran shall not be less than the customary  
 19                  wages for an employee performing similar services.

20                  (4) In no case shall veterans participating in such programs be authorized or  
 21                  permitted to work or to continue working on a project or job involved in a labor  
 22                  dispute.

23                  D. Deductions for room, board, and other administrative costs resulting from  
 24                  participation of employment in connection with a transitional facility authorized by  
 25                  this Part shall not exceed the limits set forth in R.S. 15:1111.

26                  §1199.26. Transitional facilities

27                  A. The Department of Public Safety and Corrections is hereby authorized to  
 28                  create, establish, operate, contract, and maintain transitional facilities for  
 29                  incarcerated veterans identified as veterans of the United States Armed Forces. The  
 30                  facilities shall be established in such places throughout the state as are deemed

1           necessary by the director. Such facilities shall be operated and maintained for those  
2           veterans who serve as mentors for the Veterans Court probation program and those  
3           veterans who have strong rehabilitation potential.

4                   B. All transitional facilities shall be minimum security structures and comply  
5                   with security measures deemed appropriate by the department.

6                   C. The department or its agent may employ psychiatrists, neurologists,  
7                   special educators, guidance counselors, psychologists, nurses, technicians, social  
8                   workers, occupational therapists, physicians, and other professional personnel to staff  
9                   transitional facilities or may contract for the services of such persons with  
10                  community service organizations, religious groups, universities, and medical  
11                  schools.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_