

SENATE BILL NO. 407

BY SENATOR FOIL

1 AN ACT

2 To amend and reenact R.S. 15:1199.22, 1199.24(A)(1), (2), (7), and (8), (B), (C), (D), (E),
3 and (F), 1199.25, and 1199.26 and to enact R.S. 15:1199.24(A)(11), (12), and (G),
4 relative to the Post-Conviction Veterans Mentor Program; to provide for the
5 authorization of the Post-Conviction Veterans Mentor Program; to provide for
6 eligibility criteria; to provide for veteran mentors; to provide for screening of eligible
7 mentors; to provide for work opportunities for inmates participating in the program;
8 to provide for transitional facilities; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:1199.22, 1199.24(A)(1), (2), (7), and (8), (B), (C), (D), (E), and
11 (F), 1199.25, and 1199.26 are hereby amended and reenacted and R.S. 15:1199.24(A)(11),
12 (12), and (G) are hereby enacted to read as follows:

13 §1199.22. Purpose; **authorization of Post-Conviction Veterans Mentor Program**

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

25 **B. The secretary of the Department of Public Safety and Corrections is**

1 authorized to establish a Post-Conviction Veterans Mentor Program for
 2 incarcerated veterans, hereinafter referred to as "program". The department
 3 shall adopt regulations and guidelines as it considers necessary for the
 4 administration and implementation of this program. The provisions of this Part
 5 shall be implemented only to the extent that funds are available within the
 6 department for this purpose and to the extent that is consistent with available
 7 resources.

8 * * *

9 §1199.24. Post-Conviction Veterans Mentor Program for incarcerated veterans;
 10 eligibility criteria

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

14 (1) The offender ~~satisfies the eligibility requirements of R.S. 13:5366~~
 15 ~~(Veterans Court Program)~~ **is a veteran as defined by R.S. 15:1199.23(2).**

16 (2) ~~The department has reason to believe that the offender could benefit from~~
 17 ~~the Post-Conviction Veterans Mentor Program.~~ **The offender has no convictions**
 18 **for an offense defined as a homicide in R.S. 14:29 or as a sex offense in R.S.**
 19 **15:541.**

20 * * *

21 (7) ~~The offender has obtained a GED credential, unless the offender has~~
 22 ~~previously obtained a high school diploma or is deemed by a certified educator as~~
 23 ~~being incapable of obtaining a GED~~ **high school equivalent.**

24 (8) The offender, at the time of consideration for the program, ~~is not~~
 25 ~~designated as "high risk" and is considered "low risk"~~ **has obtained a "low risk"**
 26 **level designation determined by a validated risk assessment instrument**
 27 **approved by the secretary of the department.**

28 * * *

29 **(11) The offender has completed a mentor training program as**
 30 **considered appropriate by the Department of Public Safety and Corrections.**

1 (12) The sentencing court and the district attorney of the jurisdiction of
 2 the conviction consent.

3 B. ~~An eligible~~ Upon meeting the eligibility requirements set forth in
 4 Subsection A of this Section, the offender shall then be subject to pre-screening
 5 and assessments for suitability by the Department of Public Safety and Corrections,
 6 office of adult services for placement in a transitional work release program, in
 7 accordance with R.S. 15:1111.

8 C. If the offender is approved to participate in the program by the
 9 Department of Public Safety and Corrections, office of adult services they shall be
 10 transferred to an appropriate transitional work program. After three successful years
 11 in a transitional work program, the offender shall be granted a parole hearing by the
 12 committee on parole as provided in Subsection G of this Section, if not otherwise
 13 eligible for a hearing prior to such date.

14 D. ~~To maintain eligibility to participate in the program, the offender must~~
 15 ~~comply with all of the following requirements~~ Additional requirements for
 16 participation in the program:

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

18 (2) Continue to participate in all programming ~~deemed~~ considered
 19 appropriate by the Department of Public Safety and Corrections and the Department
 20 of Veterans Affairs.

21 (3) ~~(2)~~ Meet once a month with an authorized veteran transition counselor.

22 (4) ~~(3)~~ Perform at least fifty hours of unpaid community service to any veteran
 23 or military program, including the Veterans Court probation program.

24 (5) ~~(4)~~ ~~Offenders approved for placement in a transitional facility shall serve~~
 25 Serve as mentors of the Veterans Court ~~probation program if they receive a~~
 26 ~~favorable recommendation as provided in R.S. 15:1199.25.~~

27 (5) Submit to random drug screenings and receive no positive results
 28 from such screenings.

29 E. Liability for all activity and possible illegal activity shall fall solely on
 30 the offender participating in the program. The Department of Public Safety and

1 Corrections shall have indemnity for any and all actions taken by the offender
 2 that may be illegal, that subjects the offender to parole revocation, or that are
 3 deemed eligible to terminate the offender's participation in the Post-Conviction
 4 Veterans Mentor Program, and for any advice, education, action, or
 5 information relayed by the offender to any employee, mentee, or other
 6 participant in the program that may or may not result in action that causes any
 7 outcome.

8 F. Any violation of the conditions of eligibility provided for in Subsection
 9 D of this Section shall subject the ~~veteran~~ offender to disciplinary sanctions up to
 10 and including removal from the transitional work release program. Any ~~veteran~~
 11 offender removed from the program shall not be eligible for further consideration
 12 pursuant to this Part.

13 F.G. After the successful completion of ~~the assigned term~~ at least three
 14 years at the transitional work release program facility, the ~~veteran~~ offender shall
 15 be granted a hearing before the committee on parole. If the ~~veteran~~ offender is
 16 granted parole by the committee on parole, then the ~~veteran~~ offender shall be
 17 released on parole ~~or released on diminution of sentence~~ in accordance with the
 18 provisions of R.S. 15:574.4.1 and 574.4.2. Any ~~veteran~~ offender whose parole is
 19 revoked shall not be eligible to participate in the program.

20 * * *

21 §1199.25. Mentor program for Veterans Court probation program; job assistance

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

1 of defense against relapse and recidivism in the parish of the transitional work
 2 release program in which the offender is housed.

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

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

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

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

12 ~~(b) Necessary travel expenses to and from work and other incidental~~
 13 ~~expenses of the veteran.~~

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

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

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

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

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

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

28 §1199.26. Transitional facilities

29 A.**(1)** The Department of Public Safety and Corrections is hereby authorized
 30 to create, establish, operate, contract, and maintain transitional facilities for

1 incarcerated veterans identified as veterans of the United States Armed Forces. The
2 facilities shall be established in such places throughout the state as are deemed
3 necessary by the ~~director~~ **secretary or his designee**.

4 (2) Such facilities shall be operated and maintained for those ~~veterans~~
5 **offenders** who serve as mentors for the Veterans Court probation program and those
6 veterans who have strong rehabilitation potential. **Existing transitional work**
7 **release program facilities, otherwise known as work release, may be used to**
8 **provide services and opportunities to the veterans participating in the program**
9 **to benefit both the veterans participating and the parish jails.**

10 B. All transitional facilities **established pursuant to this Part** shall be
11 ~~minimum security structures and comply with security measures deemed appropriate~~
12 ~~by the department~~ **the provisions of R.S. 15:1111.**

13 C. The department or its agent may ~~employ psychiatrists, neurologists,~~
14 ~~special educators, guidance counselors, psychologists, nurses, technicians, social~~
15 ~~workers, occupational therapists, physicians, and other professional personnel to staff~~
16 ~~transitional facilities or may contract for the services of such persons with~~
17 ~~community service organizations, religious groups, universities, and medical schools~~
18 **allow participants in the program who are veterans to utilize the services of the**
19 **local hospital, center, or clinic operated by the Department of Veterans Affairs**
20 **for mental health services, medical care, and any other earned eligible benefits**
21 **due to service, at no expense to the state.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____