

Regular Session, 2011

SENATE BILL NO. 202

BY SENATOR GUILLORY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC SFTY/CORRECT DEPT. Provides relative to the membership, duties and operations of the parole board and pardon board. (8/15/11)

AN ACT

To amend and reenact R.S. 15:572.1(A) and (F), 572.2, 574.1, and 574.2(D)(4) and to enact R.S. 15:572.1(G) and 574.2(A)(5) and (H), relative to the Board of Pardons and the Board of Parole; to provide relative to the membership of the Board of Pardons; to provide for an ex officio, nonvoting member of the Board of Pardons; to provide relative to the duties and obligations of the Board of Parole; to require training for the members of the Board of Parole; to require annual reporting by the Board of Parole; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:572.1(A) and (F), 572.2, 574.1, and 574.2(D)(4) are hereby amended and reenacted and R.S. 15:572.1(G) and 574.2(A)(5) and (H) are hereby enacted to read as follows:

§572.1. Board of Pardons; membership; domicile; session; quorum

A.(1) The Board of Pardons shall consist of five ~~electors~~ **members**, who shall be appointed by the governor to serve terms concurrent with the governor making the appointments, or until their successors are appointed and take office. Beginning with appointments made to the board, or appointments to fill a vacancy

1 on the board, which occur after August 15, 2010, at least one of the members shall
2 be appointed from a list of names submitted by any victim's rights advocacy
3 organization which is recognized as a nonprofit with the Internal Revenue Service,
4 incorporated or organized in the state of Louisiana and in good standing, and does
5 not engage in political activity, with each organization submitting a list of three
6 names. However, no person nominated by any victim's rights advocacy organization
7 shall be appointed to serve as a member of the board who has previously been
8 confirmed by the Senate and has served as a member of the board. All appointments
9 shall be subject to confirmation by the Senate. The governor shall designate the
10 chairman of the board.

11 **(2) In addition to the five members appointed by the governor, an ex**
12 **officio member shall serve on the board pursuant to Subsection G of this**
13 **Section.**

14 * * *

15 F. Each member of the board, **except for the ex officio member,** shall
16 devote full time to the duties of his office, and shall be prohibited from holding any
17 elective, appointive, or public employment; or from engaging in any private business
18 or employment which is in conflict with his duties as a member of the board.

19 **G.(1) If a clemency applicant is incarcerated at the time of his**
20 **application for pardon or commutation of sentence, the warden, or in his**
21 **absence the deputy warden, of the correctional facility in which the offender is**
22 **incarcerated shall be an ex officio member of the board. When the offender is**
23 **housed in a local correctional facility and the warden or deputy warden of that**
24 **facility is not able to attend the offender's pardon hearing, the warden, or in his**
25 **absence the deputy warden, of the state correctional facility with regional**
26 **responsibility for the local correctional facility where the offender is housed**
27 **may serve as an ex officio member.**

28 **(2) The ex officio member shall not be a voting member and shall not be**
29 **counted or permitted to be counted for purposes of the number of members**

necessary to take board action or the number of members necessary to establish a quorum. In all other respects, the ex officio member shall have all the duties, authority, and requirements of any other board member.

§572.2. Compensation of board members

The chairman of the board shall receive an annual salary of forty-two thousand dollars, and each of the other members of the board, except for the ex officio member, shall receive an annual salary of thirty-six thousand dollars payable on his own warrant, and each member shall be reimbursed for necessary travel and other expenses actually incurred in the discharge of his duties.

* * *

§574.1. Expenses of members of ~~board of pardons~~ Board of Pardons; reimbursement

~~Members~~ Except for the ex officio member, members of the ~~board of pardons~~ Board of Pardons, whose expenses are not now provided for by law, shall be reimbursed their actual traveling expenses and hotel bills incurred in attending meetings of the ~~board of pardons~~ Board of Pardons. The reimbursement shall be made on the warrant of the member, in the same manner and from the same source as that from which he receives his salary.

§574.2. Board of Parole; membership; qualifications; vacancies; compensation; domicile; venue; meetings; quorum; panels; powers and duties; transfer of property to board; representation of applicants before the board; prohibitions

A. * * *

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(5)(a) Within ninety days of being appointed to the Board of Parole, each member shall complete a comprehensive training course developed by the Department of Public Safety and Corrections. The training course shall be developed using training components consistent with those offered by the National Institute of Corrections or the American Probation and Parole

Association, and shall include classes regarding the following topics:

(i) The elements of the decision making process, through the use of evidence-based practices for determining offender risk, needs, and motivation to change, including the actuarial assessment tool used by the parole agent.

(ii) The security classifications as established by the department.

(iii) The programming and disciplinary processes and the department's supervision, case planning, and violation process.

(iv) The dynamics of criminal victimization.

(v) Collaboration with corrections related stakeholders, both public and private, to increase offender success and public safety.

(b) Each member shall complete a minimum of eight hours of training annually, which shall be provided for in the annual budget of the Department of Public Safety and Corrections. The annual training course shall be developed using the training components consistent with those offered by the National Institute of Corrections or American Probation and Parole Association and shall offer classes regarding the following topics:

(i) A review and analysis of the effectiveness of the assessment tool used by the parole agents.

(ii) A review of the department's progress toward public safety goals.

(iii) The use of data in decision making.

(iv) Any information regarding promising and evidence-based practices offered in the corrections related and crime victim dynamics field.

(c) The department shall promulgate regulations setting forth the specific criteria for the course that the members are required to complete under the provisions of this Subsection.

* * *

D. In accordance with the provisions of this Part, the Board of Parole shall have the following powers and duties:

* * *

(4) To transmit ~~annually, on or before the first day of February,~~ a report on the board's performance for the previous calendar year to the secretary of the Department of Public Safety and Corrections, for inclusion in his report to the governor, ~~which report.~~ The report shall be submitted annually, on or before the first day of February, and shall include statistical and other data with respect to the determinations and work of the board ~~for the preceding calendar year,~~ relevant data of board decisions, a summary of past practices and outcomes, plans for the upcoming year, research studies which the board may make of sentencing, parole, or related functions, and may include a recommendation of legislation to further improve the parole system of this state.

* * *

H. The department shall develop a plan that shall be submitted to the legislature no later than January 1, 2012, and shall include the following:

(1) The establishment of a process for adopting a validated actuarial risk and needs assessment tool consistent with evidence-based practices and factors that contribute to criminal behavior, which shall be available to the parole board for consideration and use in making parole decisions, including additional objective criteria that may be used in parole decisions.

(2) The establishment of procedures for the department on the use of the validated assessment tool to guide the department, parole board, and agents of the department in determining supervision management and strategies for all offenders under the department's supervision, including offender risk classification, and case planning and treatment decisions to address criminal risk factors and reduce offender risk of recidivism.

(3) The establishment of goals for the department, which include training requirements, mechanisms to ensure quality implementation of the validated assessment tool, and safety performance indicators.

The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

DIGEST

Guillory (SB 202)

Present law provides that the Board of Pardons will consist of five electors who will be appointed by the governor to serve terms concurrent with the governor making the appointments or until their successors are appointed and take office.

Present law provides that each member will devote full time to the duties of his office, and shall be prohibited from holding any elective, appointive, or public employment; or from engaging in any private business or employment which is in conflict with his duties as a member of the board.

Present law provides that four members of the board will constitute a quorum and all actions of the board will require the favorable vote of at least four members of the board.

Present law provides that the chairman of the board will receive an annual salary of \$42,000, and each of the other members of the board will receive an annual salary of \$36,000 and will be reimbursed for necessary travel and other expenses actually incurred in the discharge of his duties.

Proposed law retains present law and provides for the addition of an ex officio member of the board if the clemency applicant is incarcerated at the time of his application. The ex officio member will be an uncompensated, nonvoting member who will not be counted for purposes of the number of members necessary to take board action or the number of members necessary to establish a quorum. The ex officio member will not be reimbursed for travel expenses.

Proposed law provides that the ex officio member will be the warden, or in his absence the deputy warden, of the correctional facility in which the offender is incarcerated.

Proposed law further provides that when the offender is housed in a local correctional facility and the warden or deputy warden of that facility is not able to attend the offender's pardon hearing, the warden, or in his absence the deputy warden, of the state correctional facility with regional responsibility for the local correctional facility where the offender is housed may serve as an ex officio member.

Present law provides that the board of parole will consist of seven members who will be appointed by the governor and one ex officio member.

Proposed law retains present law and requires each member, within 90 days of being appointed to the board of parole, to complete a comprehensive training course developed by DPS&C that is consistent with those offered by the National Institute of Corrections or the American Probation and Parole Association, and further requires each member to complete a minimum of eight hours of training annually.

Present law provides for the powers and duties of the board of parole, including the duty to provide an annual report to the secretary of DPS&C which includes statistical data and other data with respect to the determinations and work of the board of parole, information on research studies conducted by the board, and recommendations to the legislature to further improve the parole system.

Proposed law retains present law and further requires the board of parole to include in its report to DPS&C a summary of past practices and outcomes and plans for the upcoming

year.

Proposed law requires DPS&C to develop a plan that will be submitted to the legislature no later than January 1, 2012, and will include the establishment of a validated actuarial risk and needs assessment tool which will be adopted and used by the department, and which shall be available to the parole board for consideration and use in making its decisions.

Effective August 15, 2011.

(Amends R.S. 15:572.1(A) and (F), 572.2, 574.1, and 574.2(D)(4); adds R.S. 15:572.1(G) and 574.2(A)(5) and (H))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Requires DPS&C to make the actuarial risk and needs assessment tool available to the parole board.
2. Makes technical changes.