
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Heyward Jeffers.

DIGEST

Present law does not require a court to consider a member of the armed forces or a veteran's military service in determining a sentence for such members of the armed forces or veterans who are convicted of a crime.

Proposed law requires a court, at the time of arraignment of a defendant, to inquire and receive a response, orally or in writing, whether the defendant is currently serving in or is a veteran of the armed forces of the United States.

Proposed law provides that a court may, if the defendant is currently serving or is a veteran of the armed forces of the United States, consult with the United States Department of Veterans Affairs, Louisiana Department of Veterans Affairs, or another agency or person with suitable knowledge or experience, for the purpose of providing the defendant with information regarding veterans services for which the defendant may be qualified, including federal, state and local programing.

Proposed law provides that if the defendant is convicted of their charges and is determined to be a member or a veteran of the armed forces of the United States, prior to sentencing the court shall inquire and receive a response, orally or in writing as to the military status of the convicted defendant, the court may order a presentence investigation to determine whether military and veteran resources are available.

Proposed law provides that if a convicted defendant is currently serving in the military or is a veteran and has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may order a presentence investigation. In conducting the presentence investigation, the Department of Public Safety and Corrections, division of probation and parole, will consult with the United States Department of Veterans Affairs, Louisiana Department of Veterans Affairs, or another agency or person with suitable knowledge or experience, for the purpose of providing the court with information regarding treatment options available to the convicted defendant, including federal, state, and local programming and further consider the treatment recommendations of any diagnosing or treating mental health professionals together with the treatment options available to the defendant in imposing a sentence.

Effective August 1, 2013.

(Adds C.Cr.P. Arts. 551(C), 871.2 and 875(F))