

Regular Session, 2013

SENATE BILL NO. 94

BY SENATOR NEVERS

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

CRIMINAL PROCEDURE. Provides for the use in the Twenty-Second Judicial District Court of a validated risk/needs assessment tool at the pretrial stage. (8/1/13)

1 AN ACT  
2 To enact Chapter 1-B of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 15:325 through 327, relative to sentencing by courts and judicial procedure;  
4 to provide relative to the Twenty-Second Judicial District Court; to provide certain  
5 sentencing procedures and policies for such district court divisions; to provide for  
6 the development and use of an assessment tool and evaluation report for sentencing  
7 purposes; to provide certain terms, conditions, procedures, and requirements; and to  
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Chapter 1-B of Title 15 of the Louisiana Revised Statutes of 1950,  
11 comprised of R.S. 15:325 through 327, is hereby enacted to read as follows:

12 **§325. Twenty-Second Judicial District Court; sentencing policy**

13 **It is the sentencing policy of the Twenty-Second Judicial District Court**  
14 **that the primary objective of sentencing shall be to maintain public safety, hold**  
15 **offenders accountable, reduce recidivism and criminal behavior, and improve**  
16 **potential outcomes for those offenders who are sentenced. Reduction of**  
17 **recidivism and criminal behavior is a key measure of the performance of the**

1 criminal justice system.

2 §326. Administration of assessment tool and evaluation report

3 A. For purposes of this Chapter, after January 1, 2014, all criminal  
4 divisions within the Twenty-Second Judicial District Court shall use a single  
5 validated risk and needs assessment tool prior to sentencing an adult offender.

6 B. The assessment tool shall be administered at the time of arraignment  
7 by trained and certified personnel within the court's misdemeanor probation  
8 office. An evaluation report shall be prepared based upon the findings of the  
9 assessment tool.

10 C. The evaluation report shall be made available to the court and  
11 defense counsel prior to the initial pretrial conference, but shall otherwise  
12 remain confidential and kept as part of the record under court seal.

13 D. The district court shall develop policies and protocols no later than  
14 January 1, 2014, regarding the administration and use of the assessment tool  
15 and evaluation reports pursuant to this Chapter. These policies shall include  
16 confidentiality periods, maintaining the integrity of the assessment tool,  
17 training, and data collection and sharing among affected entities. The Twenty-  
18 Second Judicial District Court is authorized to provide funding for any expenses  
19 related to the administration and use of the assessment tool and evaluation  
20 reports.

21 §327. Use of assessment tool and report

22 A. The validated risk and needs assessment tool and evaluation report  
23 shall be utilized by the sentencing court at the pretrial stage when determining  
24 an appropriate sentence, in order to evaluate the defendant's risk of committing  
25 future offenses and to reduce the recidivism of the defendant. In determining  
26 an appropriate sentence, the sentencing court shall consider the results of the  
27 defendant's risk and needs assessment included in the evaluation report,  
28 together with the likely impact of a possible sentence on the reduction of  
29 potential future criminal behavior of the defendant.

1                    **B. The assessment tool and evaluation report may also be used to**  
2                    **determine eligibility or suitability of the defendant for any available specialty**  
3                    **court.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

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#### DIGEST

Nevers (SB 94)

Proposed law provides that primary objective of the 22<sup>nd</sup> Judicial District Court sentencing policy will be to maintain public safety, hold offenders accountable, reduce recidivism and criminal behavior, and improve potential outcomes for those offenders who are sentenced.

Proposed law provides that, after January 1, 2014, all criminal divisions within the 22<sup>nd</sup> Judicial District Court will use a single validated risk and needs assessment tool prior to sentencing an adult offender. Further provides that the assessment tool will be administered at the time of arraignment by trained and certified personnel within the court's misdemeanor probation office, and that an evaluation report shall be prepared based upon the findings of the assessment tool.

Proposed law provides that the evaluation report will be made available to the court and defense counsel prior to the initial pretrial conference but will otherwise remain confidential and kept as part of the record under court seal.

Proposed law provides that the district court shall develop policies and protocols no later than January 1, 2014, regarding the administration and use of the assessment tool and evaluation reports pursuant to proposed law. Further provides that such policies will include confidentiality periods, maintaining the integrity of the assessment tool, training, and data collection and sharing among affected entities.

Proposed law further provides that the 22<sup>nd</sup> Judicial District Court is authorized to provide funding for any expenses related to the administration and use of the assessment tool and evaluation reports.

Proposed law provides that the validated risk and needs assessment tool and evaluation report will be utilized by the sentencing court at the pretrial stage when determining an appropriate sentence, in order to evaluate the defendant's risk of committing future offenses and the needs of the defendant. Further provides that, in determining an appropriate sentence the sentencing court will consider the results of the defendant's risk and needs assessment included in the evaluation report, together with the likely impact of a possible sentence on the reduction of potential future criminal behavior of the defendant.

Proposed law provides that the assessment tool and evaluation report may also be used to determine eligibility or suitability of the defendant for any available specialty court.

Effective August 1, 2013.

(Adds R.S. 15:325 – 327)