

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 94 By Senator Nevers

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

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

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Adds provision authorizing the court, on its own motion or motion of defense counsel for good cause shown, to order the administration of a subsequent assessment.
2. Technical amendment to add a heading to the Chapter being created by proposed law.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Proposed law provides that primary objective of the 22nd 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 22nd 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. The court may, on its own motion or motion of defense counsel, order the administration of a subsequent assessment, and further provides 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 22nd 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)

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