

SENATE BILL NO. 94

BY SENATOR NEVERS

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

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 **Chapter 1-B. SENTENCING POLICY: USE OF RISK AND NEEDS**

13 **ASSESSMENT AND EVALUATION TOOL**

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

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

1 **§326. Administration of assessment tool and evaluation report**

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

5 **B. The assessment tool shall be administered at the time of arraignment**
6 **by trained and certified personnel within the court's misdemeanor probation**
7 **office. However, upon the court's own motion or by motion of defense counsel,**
8 **for good cause shown, the court may order the administration of a subsequent**
9 **assessment. An evaluation report shall be prepared based upon the findings of**
10 **the assessment tool.**

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

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

22 **§327. Use of assessment tool and report**

23 **A. The validated risk and needs assessment tool and evaluation report**
24 **shall be utilized by the sentencing court at the pretrial stage when determining**
25 **an appropriate sentence, in order to evaluate the defendant's risk of committing**
26 **future offenses and to reduce the recidivism of the defendant. In determining**
27 **an appropriate sentence, the sentencing court shall consider the results of the**
28 **defendant's risk and needs assessment included in the evaluation report,**
29 **together with the likely impact of a possible sentence on the reduction of**
30 **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.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____