HLS 15RS-629 ORIGINAL

2015 Regular Session

HOUSE BILL NO. 476

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BY REPRESENTATIVE LOPINTO

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

AN ACT

COURTS: Provides relative to reentry courts

2	To amend and reenact R.S. 13:5401(B)(1)(a), (3)(a), and (7)(c) and (C)(1) and to enact R.S.
3	13:5401(B)(3)(c) and (7)(d) and (e) and (C)(9), relative to reentry courts; to provide
4	for the payment of costs associated with reentry court; to provide for sentencing
5	options for violations of reentry probation; to provide with respect to eligibility for
6	participation in reentry court programs; to provide for penalties for failure to
7	complete reentry probation successfully; to provide for the definition of a technical
8	violation; to authorize the creation of a reentry division of the Twenty-Fifth Judicial
9	District Court; and to provide for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 13:5401(B)(1)(a), (3)(a), and (7)(c) and (C)(1) are hereby amended
12	and reenacted and R.S. 13:5401(B)(3)(c) and (7)(d) and (e) and (C)(9) are hereby enacted
13	to read as follows:
14	§5401. District courts; reentry courts; subject matter
15	* * *
16	B. Participation in the workforce development sentencing program as
17	authorized by the provisions of this Section shall be subject to the following
18	provisions:
19	(1) The court may recommend that a defendant participate in the workforce
20	development sentencing program if all of the following criteria are satisfied:

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(a) The defendant meets the eligibility requirements for participation in the
2	Offender Rehabilitation and Workforce Development Program as provided for in
3	R.S. 15:1199.7(A) and (C).
4	* * *
5	(3) In offering a defendant the opportunity to request the program, the court
6	shall advise the defendant of the following:
7	(a) If the defendant is eligible to participate in the workforce development
8	sentencing program, the defendant shall waive the right to a trial. The defendant
9	shall enter a plea of guilty to the charge, with the stipulation that the defendant shall
10	be sentenced to custody of the Department of Public Safety and Corrections to
11	participate in the Offender Rehabilitation and Workforce Development Program and
12	after successful completion of that program, he may petition the court to be placed
13	on intensive reentry supervision by the court suspend the remainder of his sentence
14	and be placed on probation under the intensive supervision of the reentry division of
15	court.
16	* * *
17	(c) A defendant who is placed under the supervision of the reentry division
18	of court shall pay the cost of any assessments, substance abuse tests, and treatment
19	programs to which he is assigned and the cost of any additional supervision that may
20	be required, to the extent of his financial resources, as determined by the reentry
21	division of court.
22	* * *
23	(7)
24	* * *
25	(c) If the defendant successfully completes the Offender Rehabilitation and
26	Workforce Development Program and successfully completes all other requirements
27	of the workforce development sentencing program, he may petition the court to be
	placed on intensive reentry supervision by the court suspend the remainder of his

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2	division of court.
3	(d) If the defendant violates any condition of his reentry probation, the court
4	may revoke the probation and order the defendant to serve the sentence previously
5	imposed and suspended, or the court may revoke the probation and order the
6	defendant to be committed to the custody of the Department of Public Safety and
7	Corrections and be required to serve a sentence of not more than twelve months
8	without diminution of sentence in the intensive incarceration program pursuant to
9	R.S. 15:574.4.4, or the court may impose a sentence of not more than ninety days
10	without diminution of sentence or credit for time served prior to the revocation for
11	any technical violation, or the court may impose any sanction provided by Code of
12	Criminal Procedure Article 900, and extend probation and order that the defendant
13	continue treatment for an additional period, or both. The term of the revocation for
14	a technical violation shall begin on the date the court orders the revocation. Upon
15	completion of the imposed sentence for the technical revocation, the defendant shall
16	return to active and supervised probation for a period equal to the remainder of the
17	original period of probation subject to any additional conditions imposed by the
18	court.
19	(e) A "technical violation", as used in this Paragraph, means any violation
20	except it shall not include any of the following:
21	(i) Being arrested, charged, or convicted of any of the following:
22	(aa) A felony.
23	(bb) Any intentional misdemeanor directly affecting the person, including
24	but not limited to domestic abuse battery.
25	(ii) Being in possession of a firearm or other prohibited weapon.
26	(iii) Absconding from the jurisdiction of the court.
27	C. The following district courts may assign certain divisions of the court as
28	a reentry division of court in accordance with the provisions of this Section:

sentence and be placed on probation under the intensive supervision of the reentry

1 (1) The Criminal District Court for the parish of Orleans or the Forty-First
2 Judicial District Court.
3 \* \* \*
4 (9) The Twenty-Fifth Judicial District Court.

## **DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 476 Original

2015 Regular Session

Lopinto

**Abstract:** Provides for penalties for a violation of reentry court probation, provides that defendants in reentry court probation are responsible for costs of the program, and authorizes a reentry court in the 25<sup>th</sup> JDC.

Present law provides for the establishment of reentry courts in certain judicial districts.

<u>Proposed law</u> provides that defendants sentenced to reentry supervision shall be responsible for costs associated with that supervision such as drug testing, treatment programs, or other expenses.

<u>Proposed law</u> provides that if a defendant violates the terms of reentry probation, the court may revoke probation and order that the defendant serve the sentence previously imposed or suspended or the court may revoke probation and order the defendant be committed to DPS&C for not more than 12 months to the intensive incarceration program.

<u>Proposed law</u> provides that a court may sentence a defendant to 90 days incarceration or impose sanctions provided by <u>present law</u> and extend probation and treatment for technical violations. Defines "technical violations".

<u>Proposed law</u> removes a statutory reference to the 41<sup>st</sup> JDC.

Proposed law authorizes the 25<sup>th</sup> JDC to establish a reentry division of court.

(Amends R.S. 13:5401(B)(1)(a), (3)(a), and (7)(c) and (C)(1); Adds R.S. 13:5401(B)(3)(c) and (7)(d) and (e) and (C)(9))