

## RÉSUMÉ DIGEST

HB 272

2015 Regular Session

Billiot

Present law excludes a defendant from participating in the Veterans Court program if the defendant's crime being considered before the court is a crime of violence as defined in present law or if the defendant has a prior felony offense or other pending criminal proceedings alleging commission of a crime of violence.

Proposed law would have expanded participation in the Veterans Court program by excluding only those defendants:

- (1) Who had a prior felony conviction for homicide.
- (2) Whose crime before the court was: (a) an offense defined as a homicide; (b) a sex offense requiring registration; (c) a crime of violence, unless the entire sentence is deferred or suspended pursuant to law; or (d) a second or subsequent offense for domestic abuse battery.

Proposed law would have excluded defendants who were before the court on a first offense for domestic abuse battery, unless the defendant had complied with the domestic abuse battery sentencing requirements in present law.

Proposed law would have required consent of the victim before the defendant could be determined eligible if the crime before the court was a crime of violence.

(Proposed to amend R.S. 13:5366(B)(9)(a) and (b); Proposed to add R.S. 13:5366(B)(12))

VETO MESSAGE: "House Bill 272 would have expanded eligibility for participation in a Veterans Criminal Court program to defendants charged with the following violent crimes: Second Degree Battery, Aggravated Assault, Mingling of Harmful Substances, Simple Kidnaping, Aggravated Criminal Damage to Property, Simple Robbery, Purse Snatching, Extortion, Illegal Use of Weapons or Dangerous Instrumentalities, Terrorism, Aggravated Second Degree Battery, Aggravated Assault upon a Peace Officer, Stalking, Second Degree Cruelty to Juveniles, Aggravated Flight from an Officer, Human Trafficking (with an adult), Home Invasion and Domestic Abuse Aggravated Assault.

I am proud of the great strides that Louisiana has made to help our veterans integrate back into the community, facilitate their continuing education, and provide veteran-specific mental health services. In 2014, I proudly signed SB 532 by Senator Guillory, also known as the "Veterans Court Program Treatment Act," which authorized courts to establish specialized Veterans Court Programs in various judicial districts tailored specifically for veterans involved in the criminal justice system and focused on reducing criminal recidivism. Current eligibility is strictly limited to defendants charged with non-violent, non-sexual offenses and with no prior violent criminal behavior.

The expansion of eligibility to include defendants with violent criminal behavior without requiring (1) a formal mental health diagnosis or a nexus between the veteran defendant's military experience and his or her violent behavior (2) an exclusion for those who have been dishonorably discharged and (3) input for the victims of crimes such as Second Degree Battery, Domestic Abuse Aggravated Assault is not in the best interest of victims or public safety. Lastly, is in not clear as to whether expanding eligibility to violent crimes would allow the court to suspend and set aside a conviction for violent crimes that are otherwise prohibited under La. C.C.P. 894. For these reasons, I have vetoed House Bill No. 272 and hereby return it to the House of Representatives."