

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 94

2017 Regular Session

Jimmy Harris

COURTS/DISTRICT: Authorizes all district courts to establish reentry courts

### Synopsis of Senate Amendments

1. Adds a provision providing that the failure of a district court to secure funding prior to the creation of a reentry division of court as provided for in proposed law will have no effect upon any judgment, finding, or sentence.

### Digest of Bill as Finally Passed by Senate

Present law authorizes the 1st JDC, 4th JDC, 11th JDC, 14th JDC, 15th JDC, 19th JDC, 21st JDC, 22nd JDC, 24th JDC, 25th JDC, 26th JDC, 32nd JDC, and the Criminal District Court for the parish of Orleans to create a reentry division responsible for developing a workforce development sentencing program with specific qualification and requirements.

Proposed law removes the enumerated district courts that are authorized to establish a reentry division and authorizes the creation of a reentry division in all district courts.

Proposed law requires that each district court secure funding before establishing a reentry division, but specifies that failure of a district court to secure funding prior to the creation of a reentry division of court will have no effect upon any judgment, finding, or sentence.

Proposed law further requires that each district court contact the Dept. of Public Safety and Corrections to ensure that there is adequate capacity for enrollment or if available bed space exists prior to sentencing.

Present law provides that the court may recommend that a defendant participate in the workforce development sentencing program if all of the following criteria are satisfied:

- (1) The defendant meets the eligibility requirements for participation in the Offender Rehabilitation and Workforce Development Program.
- (2) The court determines that it is in the best interest of the community and in the interest of justice that the defendant be sentenced to the Offender Rehabilitation and Workforce Development Program.
- (3) The defendant is not sentenced to a term of incarceration which exceeds 10 years.
- (4) The defendant shall not have any prior felony convictions for any offenses defined as a sex offense.
- (5) The crime before the court shall not be a crime of violence including domestic violence.
- (6) The defendant cannot be sentenced as a multiple offender in the present charge.
- (7) Other criminal proceedings alleging commission of a crime of violence shall not be pending against the defendant.
- (8) The crime before the court shall not be a charge of any crime that resulted in the death of a person.

Proposed law retains present law and further requires that defendants meet suitability

requirements as defined by the Offender Rehabilitation and Workforce Development Program.

(Amends R.S. 13:587.4(A) and 5401(A) and (B)(1) and (2); Repeals R.S. 13:5401(C))