

Regular Session 2016

HOUSE BILL NO. 408

BY REPRESENTATIVE HAZEL

COURTS: Provides relative to persons eligible for veterans courts

1 AN ACT

2 To amend and reenact R.S. 13:5366(B)(9)(a) and (b) and (10) and to repeal R.S.
3 13:5366(B)(11), relative to the Veterans Court programs; to provide relative to
4 persons eligible for veterans courts; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:5366(B)(9)(a) and (b) and (10) are hereby amended and reenacted
7 to read as follows:

8 §5366. The Veterans Court Program

9 * * *

10 B. Participation in probation programs shall be subject to the following
11 provisions:

12 * * *

13 (9) In order to be eligible for the Veterans Court program, the defendant
14 must satisfy each of the following criteria:

15 (a) The defendant cannot have any prior felony ~~convictions~~ conviction for
16 or any pending criminal proceeding alleging commission of any offenses offense
17 defined as ~~crimes of violence in R.S. 14:2(B)~~ a homicide in R.S. 14:29 or any prior
18 felony conviction for or any pending criminal proceeding alleging commission of
19 any offense defined as a sex offense in R.S. 15:541(24).

1 (b) The crime before the court cannot be a ~~crime of violence as defined in~~
2 ~~R.S. 14:2(B):~~ charge of driving under the influence of alcohol or any other drug or
3 drugs that resulted in the death of a person.

4 * * *

5 (10) ~~A defendant previously convicted or adjudicated a delinquent for the~~
6 ~~offense of simple battery shall not be deemed ineligible for the Veterans Court~~
7 ~~program on the sole basis of such status.~~

8 (11)(a) The judge shall make the final determination of eligibility. If, based
9 on the examiner's report and the recommendations of the district attorney and the
10 defense counsel, the judge determines that the defendant should be enrolled in the
11 Veterans Court program, the court shall accept the defendant's guilty plea, suspend
12 or defer the imposition of sentence, and place the defendant on probation under the
13 terms and conditions of the Veterans Court program. The court also may impose
14 sentence and suspend the execution thereof, placing the defendant on probation
15 under the terms and conditions of the Veterans Court program.

16 (b) If the judge determines that the defendant is not qualified for enrollment,
17 the judge may state for the record the reasons for that determination.

18 (c) A Veterans Court program team or staff may petition the court to reject
19 a referral to the Veterans Court program if the Veterans Court program team or staff
20 deems the defendant to be inappropriate for admission to the Veterans Court
21 program. Additionally, a Veterans Court program team or staff may petition the court
22 for immediate discharge of any individual who fails to comply with Veterans Court
23 program rules and treatment expectations or who refuses to constructively engage
24 in the treatment process.

25 * * *

26 Section 2. R.S. 13:5366(B)(11) is hereby repealed in its entirety.

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 408 Original

Regular Session 2016

Hazel

Abstract: Provides relative to the eligibility requirements for the Veterans Court program.

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 expands participation in the Veterans Court program by excluding only those defendants whose crime before the court is a homicide or crime of violence unless the entire sentence may be deferred or suspended.

(Amends R.S. 13:5366(B)(9)(a) and (b) and (10); Repeals R.S. 13:5366(B)(11))