

2015 Regular Session

HOUSE BILL NO. 476

BY REPRESENTATIVE LOPINTO

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

COURTS: Provides relative to reentry courts

1 AN ACT

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:

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~~
28 ~~placed on intensive reentry supervision by the court~~ suspend the remainder of his

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

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 25th JDC.

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

Proposed law 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.

Proposed law 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.

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

Proposed law removes a statutory reference to the 41st JDC.

Proposed law authorizes the 25th 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))