

SENATE BILL NO. 202

BY SENATOR GUILLORY

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

1 AN ACT

2 To amend and reenact R.S. 15:572.1(A) and (F), 572.2, 574.1, and 574.2(D)(4) and to enact
3 R.S. 15:572.1(G) and 574.2(A)(5) and (H), relative to the Board of Pardons and the
4 Board of Parole; to provide relative to the membership of the Board of Pardons; to
5 provide for an ex officio, nonvoting member of the Board of Pardons; to provide
6 relative to the duties and obligations of the Board of Parole; to require training for
7 the members of the Board of Parole; to require annual reporting by the Board of
8 Parole; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:572.1(A) and (F), 572.2, 574.1, and 574.2(D)(4) are hereby
11 amended and reenacted and R.S. 15:572.1(G) and 574.2(A)(5) and (H) are hereby enacted
12 to read as follows:

13 §572.1. Board of Pardons; membership; domicile; session; quorum

14 A.(1) The Board of Pardons shall consist of five ~~electors~~ **members**, who
15 shall be appointed by the governor to serve terms concurrent with the governor
16 making the appointments, or until their successors are appointed and take office.
17 Beginning with appointments made to the board, or appointments to fill a vacancy
18 on the board, which occur after August 15, 2010, at least one of the members shall
19 be appointed from a list of names submitted by any victim's rights advocacy
20 organization which is recognized as a nonprofit with the Internal Revenue Service,
21 incorporated or organized in the state of Louisiana and in good standing, and does
22 not engage in political activity, with each organization submitting a list of three
23 names. However, no person nominated by any victim's rights advocacy organization
24 shall be appointed to serve as a member of the board who has previously been

1 confirmed by the Senate and has served as a member of the board. All appointments
 2 shall be subject to confirmation by the Senate. The governor shall designate the
 3 chairman of the board.

4 **(2) In addition to the five members appointed by the governor, an ex**
 5 **officio member shall serve on the board pursuant to Subsection G of this**
 6 **Section.**

7 * * *

8 F. Each member of the board, **except for the ex officio member,** shall
 9 devote full time to the duties of his office, and shall be prohibited from holding any
 10 elective, appointive, or public employment; or from engaging in any private business
 11 or employment which is in conflict with his duties as a member of the board.

12 **G.(1) If a clemency applicant is incarcerated at the time of his**
 13 **application for pardon or commutation of sentence, the warden, or in his**
 14 **absence the deputy warden, of the correctional facility in which the offender is**
 15 **incarcerated shall be an ex officio member of the board. When the offender is**
 16 **housed in a local correctional facility and the warden or deputy warden of that**
 17 **facility is not able to attend the offender's pardon hearing, the warden, or in his**
 18 **absence the deputy warden, of the state correctional facility with regional**
 19 **responsibility for the local correctional facility where the offender is housed**
 20 **may serve as an ex officio member.**

21 **(2) The ex officio member shall not be a voting member and shall not be**
 22 **counted or permitted to be counted for purposes of the number of members**
 23 **necessary to take board action or the number of members necessary to establish**
 24 **a quorum. In all other respects, the ex officio member shall have all the duties,**
 25 **authority, and requirements of any other board member.**

26 §572.2. Compensation of board members

27 The chairman of the board shall receive an annual salary of forty-two
 28 thousand dollars, and each of the other members of the board, **except for the ex**
 29 **officio member,** shall receive an annual salary of thirty-six thousand dollars payable
 30 on his own warrant, and each member shall be reimbursed for necessary travel and

1 other expenses actually incurred in the discharge of his duties.

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3 §574.1. Expenses of members of ~~board of pardons~~ **Board of Pardons**;
4 reimbursement

5 ~~Members~~ **Except for the ex officio member, members** of the ~~board of~~
6 ~~pardons~~ **Board of Pardons**, whose expenses are not now provided for by law, shall
7 be reimbursed their actual traveling expenses and hotel bills incurred in attending
8 meetings of the ~~board of pardons~~ **Board of Pardons**. The reimbursement shall be
9 made on the warrant of the member, in the same manner and from the same source
10 as that from which he receives his salary.

11 §574.2. Board of Parole; membership; qualifications; vacancies; compensation;
12 domicile; venue; meetings; quorum; panels; powers and duties;
13 transfer of property to board; representation of applicants before the
14 board; prohibitions

15 A. * * *
16 * * *

17 **(5)(a) Within ninety days of being appointed to the Board of Parole,**
18 **each member shall complete a comprehensive training course developed by the**
19 **Department of Public Safety and Corrections. The training course shall be**
20 **developed using training components consistent with those offered by the**
21 **National Institute of Corrections or the American Probation and Parole**
22 **Association, and shall include classes regarding the following topics:**

23 **(i) The elements of the decision making process, through the use of**
24 **evidence-based practices for determining offender risk, needs, and motivation**
25 **to change, including the actuarial assessment tool used by the parole agent.**

26 **(ii) The security classifications as established by the department.**

27 **(iii) The programming and disciplinary processes and the department's**
28 **supervision, case planning, and violation process.**

29 **(iv) The dynamics of criminal victimization.**

30 **(v) Collaboration with corrections related stakeholders, both public and**

1 private, to increase offender success and public safety.

2 (b) Each member shall complete a minimum of eight hours of training
3 annually, which shall be provided for in the annual budget of the Department
4 of Public Safety and Corrections. The annual training course shall be developed
5 using the training components consistent with those offered by the National
6 Institute of Corrections or American Probation and Parole Association and
7 shall offer classes regarding the following topics:

8 (i) A review and analysis of the effectiveness of the assessment tool used
9 by the parole agents.

10 (ii) A review of the department's progress toward public safety goals.

11 (iii) The use of data in decision making.

12 (iv) Any information regarding promising and evidence-based practices
13 offered in the corrections related and crime victim dynamics field.

14 (c) The department shall promulgate regulations setting forth the
15 specific criteria for the course that the members are required to complete under
16 the provisions of this Subsection.

17 * * *

18 D. In accordance with the provisions of this Part, the Board of Parole shall
19 have the following powers and duties:

20 * * *

21 (4) To transmit ~~annually, on or before the first day of February,~~ a report on
22 the board's performance for the previous calendar year to the secretary of the
23 Department of Public Safety and Corrections, for inclusion in his report to the
24 governor, ~~which report.~~ The report shall be submitted annually, on or before the
25 first day of February, and shall include statistical and other data with respect to the
26 determinations and work of the board for ~~the preceding calendar year,~~ relevant data
27 of board decisions, a summary of past practices and outcomes, plans for the
28 upcoming year, research studies which the board may make of sentencing, parole,
29 or related functions, and may include a recommendation of legislation to further
30 improve the parole system of this state.

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H. The department shall develop a plan that shall be submitted to the legislature no later than January 1, 2012, and shall include the following:

(1) The establishment of a process for adopting a validated actuarial risk and needs assessment tool consistent with evidence-based practices and factors that contribute to criminal behavior, which shall be available to the parole board for consideration and use in making parole decisions, including additional objective criteria that may be used in parole decisions.

(2) The establishment of procedures for the department on the use of the validated assessment tool to guide the department, parole board, and agents of the department in determining supervision management and strategies for all offenders under the department's supervision, including offender risk classification, and case planning and treatment decisions to address criminal risk factors and reduce offender risk of recidivism.

(3) The establishment of goals for the department, which include training requirements, mechanisms to ensure quality implementation of the validated assessment tool, and safety performance indicators.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____