

SENATE BILL NO. 94

BY SENATOR NEVERS

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

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AN ACT

To enact Chapter 1-B of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:325 through 327, relative to sentencing by courts and judicial procedure; to provide relative to the Twenty-Second Judicial District Court; to provide certain sentencing procedures and policies for such district court divisions; to provide for the development and use of an assessment tool and evaluation report for sentencing purposes; to provide certain terms, conditions, procedures, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 1-B of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:325 through 327, is hereby enacted to read as follows:

**Chapter 1-B. SENTENCING POLICY: USE OF RISK AND NEEDS**

**ASSESSMENT AND EVALUATION TOOL**

**§325. Twenty-Second Judicial District Court; sentencing policy**

**It is the sentencing policy of the Twenty-Second Judicial District Court that the primary objective of sentencing shall be to maintain public safety, hold offenders accountable, reduce recidivism and criminal behavior, and improve potential outcomes for those offenders who are sentenced. Reduction of recidivism and criminal behavior is a key measure of the performance of the criminal justice system.**

1           **§326. Administration of assessment tool and evaluation report**

2           **A. For purposes of this Chapter, after January 1, 2014, all criminal**  
3           **divisions within the Twenty-Second Judicial District Court shall use a single**  
4           **validated risk and needs assessment tool prior to sentencing an adult offender.**

5           **B. The assessment tool shall be administered at the time of arraignment**  
6           **by trained and certified personnel within the court's misdemeanor probation**  
7           **office. However, upon the court's own motion or by motion of defense counsel,**  
8           **for good cause shown, the court may order the administration of a subsequent**  
9           **assessment. An evaluation report shall be prepared based upon the findings of**  
10           **the assessment tool.**

11           **C. The evaluation report shall be made available to the court and**  
12           **defense counsel prior to the initial pretrial conference, but shall otherwise**  
13           **remain confidential and kept as part of the record under court seal.**

14           **D. The district court shall develop policies and protocols no later than**  
15           **January 1, 2014, regarding the administration and use of the assessment tool**  
16           **and evaluation reports pursuant to this Chapter. These policies shall include**  
17           **confidentiality periods, maintaining the integrity of the assessment tool,**  
18           **training, and data collection and sharing among affected entities. The Twenty-**  
19           **Second Judicial District Court is authorized to provide funding for any expenses**  
20           **related to the administration and use of the assessment tool and evaluation**  
21           **reports.**

22           **§327. Use of assessment tool and report**

23           **A. The validated risk and needs assessment tool and evaluation report**  
24           **shall be utilized by the sentencing court at the pretrial stage when determining**  
25           **an appropriate sentence, in order to evaluate the defendant's risk of committing**  
26           **future offenses and to reduce the recidivism of the defendant. In determining**  
27           **an appropriate sentence, the sentencing court shall consider the results of the**  
28           **defendant's risk and needs assessment included in the evaluation report,**  
29           **together with the likely impact of a possible sentence on the reduction of**  
30           **potential future criminal behavior of the defendant.**

1                    **B. The assessment tool and evaluation report may also be used to**  
2                    **determine eligibility or suitability of the defendant for any available specialty**  
3                    **court.**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_