

Minutes of the Louisiana Sentencing Commission
DOC Headquarters, Building 1
504 Mayflower Street, Baton Rouge, LA 70802
1:00 p.m. November 15, 2012

The meeting was called to order Chairman Honorable Ricky Babin

Members Present

Honorable Ricky Babin, Chairman
Mr. Robert Barkerding
Honorable Louis Daniel
Honorable Laurie White (Proxy for Honorable Lynda Van Davis)
Mr. David Dugas
Mr. John DiGiulio (Proxy for Ms. Jean Faria)
Honorable Ricky Wicker (Proxy for Honorable Greg Guidry)
Mr. Cheney C. Joseph, Jr.
Mr. Alden Clement (Proxy for Senator Robert Kostelka)
Secretary James M. Leblanc
Honorable Ricky Wicker (Proxy for Honorable Jay B. McCallum)
Carle Jackson (Proxy for Honorable Michael McDonald)
Mr. Ruston Legendre (Proxy for Mr. Robert Mehrstens)
Honorable Ricky Babin (Proxy for Honorable Charles A. Riddle)

Committee, Advisory and Staff Members

Rhett Covington, DOC
Frank DiFulco, LASC
Melanie Gueho, DOC
Carle Jackson, LCLE
Billy Kline, DOC
Natalie LaBorde, Governor's Office
Sandra Laborie, 5th Circuit Court
Katherine Lee, LCLE
Genie Powers, DOC
Raman Singh, DOC
Opal West, LCLE
Angela Whittaker, DOC

Guests

Michael Admirand, Capital Appeals Project
Meredith Angleson, Capital Appeals Project
Norma Broussard, Jefferson Parish DA's Office
Jennifer Calvin, LA CURE & Re-entry

Linda Lala Duscoe, CURE
Steven Farber, Office of Juvenile Justice
Sheila Feigley, Private Citizen/Crime Victim
Christine Fiuldo, Orleans Parish D.A.'s Office
Kelly Fogleman, LA House
Trent Garrett, Attorney
Tawanda Green, Rejoice Rehabilitative & Re-entry Program
Leona Howard, LA CURE & Re-entry
Espinola A. Quinn, New Orleans
Sarah Tirrell, St. Martinville DA's Office
Checo W. Yancy, LA/CURE

I. Roll Call

- a. Roll Call was taken by Katherine Lee, LCLE

II. The minutes of the previous meeting were approved

Motion by David Dugas
Second by John DiGiulio

III. Sex Offender Assessment Panel Law (R.S. 15:560): Honorable Edward "Jimmy" Gaidry

A draft of the Sex Offender Assessment Panel law revision was presented to the Commission, along with recommended changes by Judge Jules Edwards. The Release Mechanisms is seeking to make the SOAP law more comprehensible to the court and clarify the procedure. The panel's main goal is to maintain the current definition of child sexual predators and add that the Attorney General's Office, Civil Division, will be in charge of any commitments proceeding and establish that all of the proceedings will be filed in the Nineteenth Judicial District Court. The Department of Health and Hospital will have to develop a treatment plan designed to help anyone who is a predator and would need the civil commitments. The Commission approved the proposal for vetting.

IV. Lafayette Mental Health Project: Carle Jackson

The Lafayette mental health pilot project is intended to address the issue of mental health services within the state's criminal justice system through increased coordination among state and local criminal justice agencies as well as the corresponding behavioral health organizations. Overall, the project has two major objectives:

1. Improve services to offenders with serious mental illness in Lafayette parish as indicated by
 - a. Reduced levels of recidivism
 - b. Improved mental health outcomes
2. Provide a model for improving services to offenders with serious mental illness in the state. The initial development of the model has been accomplished by the local stakeholders in Lafayette, including the Lafayette Parish Sheriff's Office, 15th JDC District Attorney's Office, 15th Judicial District Court, Acadiana Area Human Services District, Division of Probation and Parole—Lafayette District, working with state agencies including the Louisiana Department of Corrections, Louisiana Parole Committee, Office of Behavioral Health, LSU, the Supreme Court of Louisiana, and the Sentencing Commission.

As presently designed, the project will have three components:

1. Diversion—mental health services will be readily available to defendants placed on diversion by the District Attorney
2. Mental Health Court (15th JDC) for probationers
3. Release Services—mental health services will be available to offenders with serious mental illness returning to the Lafayette area from prison

In addition, a full evaluation is planned to be conducted by the LSU School of Social Work. The evaluation will include documentation of the project to facilitate replication, including accounting for both internal and external variables that either create issues or contribute to success; process evaluation, outcome evaluation, impact evaluation as well as a cost benefit analysis. It is intended that this project contribute to the body of best practices literature.

The team has made great progress and the project is intended to begin operation in early 2013.

V. Term Planning

No Additional Items for Consideration

VI. Vetting Process

A. Approval for Vetting

- i. Sex Offender Assessment Panel Law (R.S. 15:560)
Honorable Edward "Jimmy" Gaidry, First Circuit Court of Appeal

- ii. Additional Items for Vetting
Draft revision of LSA R.S. 14:98 and 14:98.1\Out for Vetting
Draft revision of LSA R.S. 14:27\Out for Vetting
Draft revision of La. C.Cr.P. ART 894\Deferred
Draft revision of LSA R.S. 32:414\Out for Vetting
Bail Bonds\Out for Vetting

Discussion of Vetting Process

- i. OUI R.S. 14:98: Out for Vetting
- ii. R.S. 14:27 Out for Vetting
Honorable Ricky Wicker: A small revision was made to the numbers of hours that can be worked.
Honorable Ricky Babin: Met with a group of District Attorneys met to discuss this statute and agreed that the recommendation is being rewritten, reorganized and made easier to read and understand for the persons who uses the statute easier to follow and help clarify some things.
- ii. Simple Escape Revisions (R.S. 14:110): Out for Vetting
Honorable Ricky Wicker
- iii. Cleansing Period for Parole Eligibility (C.Cr.P. 574.4): Out for Vetting
Honorable Ricky Wicker

- VII. Committee Reports: Honorable Ricky Babin, Chairman
- A. Front End Committee: Honorable Ricky Wicker
- Team 1: Fines, Fee and Court Cost Committee is continuing to review all of the statutory state fines trying to determine what modifications are needed. The second stage of the project is to review the fines and fees in local municipal and parish courts.
- Team 2: Thresholds: Monetary and drug quantity triggering thresholds are being reviewed. Drug Statutes Committee is reviewing LA statues compared to other states' statues. They are also considering how the LA statutes might be revised to make them more comprehensible and usable. Consideration is also being given to a process for revising the Uniform Controlled Dangerous Substances Law, and how much it would cost for such a revision. The team also updated sentencing grids for title 14 and 40 to reflect the current state of the law.
- Team 3: Mandatory Minimum sentencing provisions and Parole Restrictions: Previously discussed.
- Team 4: OWI Committee presented the latest draft of LSA R.S. 14:98 and 14:98.1, adding a probation alternative for first offenders as there isn't such an alternative now; a draft revision to LSA R.S. 14:27; La. C.C.R.P. art.894; LSA R.S.32:414 and LSA R.S. 32:666.
- Team 5: Simple Escape discussed proposed revision of LSA R.S. 14:110 at request of sheriffs.
- Team 6: Sentencing Workbook: Nothing new to report
- Team 7: Bail Bonds: The workgroup is examining the simplification and clarification of the statutes related to bail. Tables are being developed that reflect the conditions relative to what type of bail apply to which defendants, and what type of restrictions apply. The information did not change the statutes but are strictly moving articles around to make them more comprehensible. Property bonds work group is considering revisions that will comply with Title VIII (Bail amended). With the new form in place, for all parishes, everyone will process property bonds the same way.
- B. Release Mechanisms Committee: Nothing new to report
- C. Re-Entry and Evidence Based Corrections: Rhett Covington/Nothing new to report
- D. Research and Technology Committee: Mr. Frank DiFulco and Melanie Gueho
- The committee has finalized the charge categorizes utilizing the NCIC codes was reviewed and added two more options. Also trying to re-activate the committee for uniform commitment document to amend the current Article 892 with the current provision of providing copies of the sentencing minutes of the court trying to remove that requirement and provide the sentencing document signed by the court.
- VIII. Update on HCR 113 – Committee met with Representative Joe Harrison to figure out what to do with electric monitoring and get a dialogue for home incarceration. The committee will try to draft some information for legislation.
- IX. Other Business – Discussed drafting a letter to the judges providing the information of the approved registered providers of home incarceration.

A motion was made for adjournment of the meeting by John DiGiulio and second by David Dugas. The Honorable Ricky Babin, Chairman, adjourned the meeting at 3:30pm.