

Minutes of the Louisiana Sentencing Commission
Lafayette Sheriff's Office
100 Poydras St, Lafayette, LA 70501
March 20th, 2014
1:00 p.m.

The meeting was called to order by Honorable Ricky Wicker at 1:25 p.m.

Members Present

Members Present

Honorable Charles J. Ballay (by phone) (proxy for Honorable Ricky Babin)

Honorable Charles J. Ballay (by phone)

Mr. Robert Barkerding (by phone)

Mr. Mike McDonald (proxy for Honorable Louis Daniel)

Mr. John DiGuilio (proxy for David Dugas)

Mr. James Dixon

Honorable Ricky Wicker (proxy for Greg Guidry)

Ms. Angela Whittaker (proxy for Secretary James LeBlanc)

Honorable Jules Edwards (proxy for Honorable Jay B. McCallum)

Honorable Hans J. Liljeberg (proxy for Honorable Michael McDonald)

Mr. Carle Jackson (proxy for Mr. Robert Mehrtens)

Honorable Laurie White (by phone)

Honorable Laurie White (by phone) (proxy for Honorable Helena Moreno)

Committee and Advisory Members

Scott Brandt, ABLU

Darryl Campbell, DOC

Rob Farmer, ABLU

Marston Fowler, OJJ

Melanie Gueho, DOC

William Kline, DOC

Monique Kristapovich, DOC

Sandra Laborie, 5th Circuit Court

Jennifer Watson, LCLE

Guests

Patricia Barras, 24th JDC

Jessie LeBlanc, 23rd JDC

Craig Melancon, Lafourche Parish Sheriff's Office

Rhonda Nichols, AIM

George Steimel, LA LDL

I. Welcome and Introductions

Honorable Ricky Wicker

Honorable Ricky Wicker welcomed special guest Sheriff Michael Neustrom.

II. Approval of Minutes

Honorable Ricky Wicker

Motion by Honorable Jules Edwards seconded by Mr. John DiGuilio. No objections.

III. A. House Judiciary Committee

Honorable Jules Edwards

Three Re-Entry Bills were moved out favorably from House Judiciary Committee.

1. HB 16 – Creates 15th JDC Reentry Division of Court
2. HB 467 - Authorizes the 24th JDC to provide for a reentry division of court.
3. HB 274 - Provides relative to reentry courts as relates to the 26th JDC and First Judicial District Courts reentry division (not supported by Sentencing Commission)

IV. Honorable Helena's Moreno letter to add Juvenile Justice subcommittee

- A. HB 743 creates two new members appointed by the Governor: a person knowledgeable in the area of Juvenile Law; a judge with significant number of juvenile cases in his or her jurisdiction; a third new member, non-voting, that is the Deputy Secretary of Department of Public Safety and Corrections, Youth Services, Office of Juvenile Justice.

The Bill also notes that recommendations that could result in legislation from the Sentencing Commission would require 2/3 vote and each person can hold only one proxy. The proxy's qualifications should be the same as the voting member.

James Dixon mentioned that we are having problems getting legislators to meet while legislation is in session. Honorable Laurie White suggested the meeting site for the Sentencing Commission meetings while the legislation is in session should be at the legislature to increase attendance at the Commission meetings and the Bill hearings.

HB 743 authored by Helena Moreno recommended favorably by the Sentencing Commission. Motioned by Honorable Jules Edwards, seconded by John DiGiulio.

B. Office of Juvenile Justice Subcommittee

Marston Fowler, Office of Juvenile Justice

Areas of need that need further research and consideration

1. Informal FINS
2. Mental Health Service Delivery and Interagency coordination
3. Conformity of Sentencing Data
4. Increasing Age of Majority to 18
5. Youth held in Isolation during period of detention
6. The system of juvenile detention in Louisiana
7. Counsel and release practices
8. Re-entry

The Juvenile Justice Subcommittee will be funded by a technical assistant grant from OJJDP for educational and informational public summits in three different locations in the summer and the fall.

Honorable Ricky Wicker suggested Dr. Mary Livers should write a letter to governor to recommend potential candidates for consideration for appointment to the Commission representing Juvenile Justice.

VI. Filing of Bi Annual Report

Mr. Carle Jackson, LCLE

The Biannual Report has been filed. It summarizes Sentencing Commission's work, process, and recommendations brought forward, as well as copies of legislation brought forward pursuant to Commission's recommendations. The report also includes copies of fines/fees, forfeiture study, and HR 113 (study).

VII. Legislation Filed related to Commission Recommendations

Honorable Ricky Wicker

A HB 790 Permissive cash deposit bail system – pending House Judiciary Committee (HJC)

B Theft Statutes

Judge LeBlanc

1. HB 680 Changes penalties based upon value – Increased threshold for misdemeanor theft to >\$1000, request to change to >\$750. DA's and Sheriff's will negotiate with bill author Rep. Jackson directly.

2. HB 791 Repeals redundant statutes Theft statutes Front End Committee recommends to remove paragraphs (D)(2)(c)(i) and (ii) that specifically refer to attempts theft and for everything fall under paragraph 3.

C SB 277 OWI statute rewrite and amendment - DA, LDJA Support; Hearing will be before Jud C March 25th at 9:00 a.m.

D SB 532 Drug Statutes -Veteran's Court – DAs, Sheriffs support; Hearing will be in two weeks.

E SB 398 Drug Statutes - Drug court eligibility expansion - DA support; Hearing will be in two weeks. Beth Meeks spoke against previous domestic violence offenses preventing a person from getting into drug court.

F SB 256 Drug Statutes – benefit restrictions and weight enhancements DAs, Sheriff oppose; Hearing will be in two weeks

G SB 275 Drug Statutes - Drug Traffic Loitering-No oppositions from DAs or Sheriffs. Hearing will be in two weeks

H SB257 Drug Statutes - Clandestine labs - DAs, Sheriff oppose; Hearing will be in two weeks before Jud C.

I HB 16 Reentry Courts - 15th JDC. Will notify Commission of hearing date. Honorable Ricky Wicker requested Honorable Laurie White to testify.

J SB 203 Reentry Courts - 15th JDC & 24th JDC

K HB 732 Sentencing - Agreed upon mandatory minimum and benefit restriction waiver – Negotiating with DAs. Judges support. Hearing set within next 2 weeks.

L HB 745 Sentencing- Sentence Safety valve. DAs oppose. Honorable Ricky Wicker noted this bill was not unanimously supported by Commission.

M SB 383 Parole - Cleansing period for parole eligibility Negotiating with DAs.

N HB 731 Sentence –Calculation of Release Date: Sentence conditions for crimes of violence. Modified Language in joint Front End and ReEntry Subcommittee

Jonathan Vining, DOC

1. Language will be amended where "court shall designate in the minutes whether such offense is a crime of violence" is to modified to "as designated by the court at sentencing and detailed in a uniform commitment order"

2. Change language on second list from "court may designate these crimes as a violent offense" to "court may designate offense as non-violent" thereby making the offenses on second list to default to always a crime of violence.

Commission presented no oppositions to these recommendations.

O Committee on Parole

1. SB 399 Defining "major disciplinary offense"

2. SB 472 Committee on Parole membership qualifications

3. SB 473 Committee on Parole membership qualifications

P HB 210 Medical parole – Jonathan Vining, DOC, will report upon speaking with Dr. Singh regarding with negotiations with the DAs

Q SB 240 Notice of Sentence or sentence document changes. Sheriff's support. No oppositions.

VIII. Juvenile Reinvestment Initiative

Angela Whittaker and Monique Kristapovich, DOC

Juvenile Reinvestment Initiative (JRI) placed Monique Kristapovich as the new JRI Coordinator funded by a grant to oversee implementation. This grant has been used to conduct nine focus groups with probations/parole and judges to get feedback on administrative sanctions. Seminar on the use of administrative sanctions planned for April 9th, 2014. Speakers include Dr. Ed Latessa, and Judge Rodger Warren. Money from the grant will be appropriated to develop home incarceration standards. JRI has a contract with American Correctional Association to develop home incarceration standards. The standards should be developed by September 2014.

Judicial Administrators will receive a survey Monday to find out uses home incarceration or electronic monitoring, what providers are used, and then a survey will be sent out to providers to help develop the standards.

IX. Adjourn Mr. Carle Jackson motioned to adjourn. Seconded by John DiGiulio . No objections. The meeting was adjourned at 2:05 p.m