

# Louisiana Justice Reinvestment Package

## The Louisiana Justice Reinvestment Task Force

The Louisiana Justice Reinvestment Task Force, a bipartisan group comprised of law enforcement, court practitioners, community members, and legislators, found that Louisiana's corrections system was producing low public safety returns at high costs.



- The state spends nearly \$700 million annually on corrections, but one in three inmates released from prison in Louisiana returns within three years.
- Louisiana leads the nation in imprisonment, with a rate nearly double the national average and significantly higher than the second- and third-highest states, Oklahoma and Alabama.
- Louisiana sends people to prison for nonviolent offenses at 1.5 to 3 times the rate of neighboring states with similar crime rates and has a growing number of inmates serving very long sentences.

## The Legislative Package

In March 2017, after nearly a year of study, the Task Force released a report of its findings and recommendations for legislative reform. Those recommendations were developed into ten bills, sponsored by Republicans, Democrats, and an Independent. All ten bills passed the Louisiana Legislature with strong bipartisan majorities. This comprehensive package will:

- ❖ **Focus prison beds on those who pose a serious threat to society**
- ❖ **Strengthen community supervision**
- ❖ **Clear away barriers to successful reentry**
- ❖ **Reinvest a substantial portion of the savings**

## Impact of Reform

With this ambitious package, Louisiana is **projected to reduce the prison population by 10% and save \$262 million** over the next decade. Seventy percent of these savings – an estimated \$184 million – will be reinvested into programs and policies proven to reduce recidivism and support victims of crime. It is also projected to reduce the community supervision population by 12%, making caseload sizes more manageable for probation and parole officers.

**Additionally, Louisiana will finally lose its longstanding title as the most imprisoned state in the country.** By 2018, Louisiana's imprisonment rate is projected to dip below the #2 state's current rate.

Louisiana is joining a number of its neighboring southern states, including South Carolina, Georgia, and Mississippi, that have enacted comprehensive criminal justice reform packages and have seen their imprisonment rate and crime rate fall simultaneously.



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## SENATE BILL 139 BY SENATOR MARTINY

***Improves Louisiana's system of probation and parole supervision by implementing evidence-based practices; expanding eligibility for alternatives to incarceration and early release; streamlining the parole release process for nonviolent offenders who comply with a case plan; and implementing incentives in custody and on supervision to encourage positive behavior.***

***Alternatives to incarceration.*** Expands probation eligibility to third-time nonviolent offenses, as well as first-time lower-level violent offenses; similarly expands eligibility for the substance abuse probation program and drug courts.

***Opportunities for release.*** Consolidates eligibility for parole consideration for prisoners convicted of nonviolent, nonsex offenses at 25% of sentence served, thereby extending parole eligibility to those with two or more prior felony convictions; streamlines parole for inmates convicted of nonviolent, nonsex offenses who have successfully completed their case plan; changes good time release requirements for current and future prisoners convicted of nonviolent, nonsex offenses to authorize good time release at 35% of sentence served; consolidates parole and good time laws for future prisoners convicted of violent offenses, excluding those with prior convictions of violent crimes or sex offenses, setting eligibility for parole consideration at 65% of sentence served and good time release at 75% of sentence served.

***Focused community supervision resources.*** Reduces maximum probation terms for most nonviolent offenders to 3 years and establishes an earned compliance credit incentive for nonviolent offenders in which they can earn time off their supervision term by successfully complying with their conditions; allows probation and parole officers to focus time and resources on those at the highest-risk to recidivate.

***Swift and certain sanctions.*** Expands Louisiana's current system of swift, certain, and proportional supervision sanctions for nonviolent offenders, and aligns it with best-practices research, including expanding the ability of probation and parole officers to use administrative and Act 402 sanctions, making swift and certain sanctions more proportional, and resolving discrepancies between policies applying to supervisees on probation and parole.

***Incentives for participation in recidivism reduction programming.*** Lifts the 90-day credit limit for an individual Certified Treatment and Rehabilitation

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*Program (CTRP), ensuring that intensive programs can be appropriately rewarded with more credit; adds an extra six months of credit eligibility for those in Transitional Work Release (for a year and a half total allowed credit), and permits all but sex offenders and those with an instant violent crime and two serious priors to earn credit, allowing more inmates to complete recidivism-reduction programming and increase their ability to successfully reenter their communities upon release.*

***Temporary medical furlough policy.*** *Creates a medical treatment furlough policy, allowing for the temporary release of inmates with significant medical costs to receive health care in the community, where costs can be absorbed by the federal government, rather than a DOC facility.*

***Parole consideration for certain inmates with life sentences.*** *Creates a parole valve for offenders serving a life sentence for second degree murder who committed their offense after July 2, 1973 and prior to June 29, 1979 (a period in which second-degree murder was a parole eligible offense), have served at least 40 years behind bars and the committee on parole has granted parole with a unanimous vote of those present.*

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## SENATE BILL 220 BY SENATOR ALARIO

***Focuses prison space on serious and violent offenders by tailoring sentences for drug offenses according to the weight of the drugs; raising the felony theft threshold to \$1,000 and merging redundant theft and burglary offenses; removing less serious crimes from the violent crimes list; modifying penalties for other specified non-violent offenses; and creating the Louisiana Felony Class System Task Force.***

***Theft offenses.*** Unifies and raises the felony theft threshold – the dividing line between felony and misdemeanor property crimes – to \$1,000, and mirrors penalties across theft offenses; reduces the maximum sentence to 2 years for unauthorized use of a motor vehicle and unauthorized use of a movable; aligns penalties for two aggravated burglary crimes (aggravated burglary and home invasion); and merges redundant theft and burglary crimes.

***Drug offenses.*** Tailors penalties to the severity of the offense by narrowing sentence ranges for low-weight simple possession offenses and scaling penalties for most commercial offenses (possession with intent to distribute, distribution, and manufacturing) according to the weight of the controlled substance.

***Violent crimes list.*** Removes the following crimes from the violent crime list: mingling harmful substances, extortion, and illegal use of weapons or dangerous instrumentalities.

***Other non-violent offenses:*** Lowers the mandatory minimum for possession of a weapon by a felon; lowers the minimum sentence for felony simple arson; lowers the maximum sentence for communicating of false information of planned arson; restores benefits to simple burglary of an inhabited dwelling; lowers the minimum sentence for certain prostitution crimes; lowers the minimum and maximum for money laundering.

***Louisiana Felony Class System Task Force.*** Creates the Louisiana Felony Class System Task Force to study, evaluate, and develop recommendations for a felony class system to bring before the legislature in the 2018 session.

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## SENATE BILL 221 BY SENATOR ALARIO

***Tailors habitual offender penalties to the severity of the offense by lowering the mandatory minimum sentence for second and third offenses; differentiating cleansing periods according to whether the prior offense was violent or nonviolent; and codifying judicial discretion in departing from constitutionally excessive sentences.***

***Mandatory minimum penalties.*** Lowers the minimum sentence for a second conviction from 1/2 of the maximum penalty to 1/3 of the maximum penalty; lowers the minimum sentence for a third conviction from 2/3rds of the maximum penalty to 1/2 of the maximum penalty; lowers the maximum sentence on a fourth conviction, in which all the convictions are nonviolent, from 'life' to two times the maximum penalty.

***Cleansing periods.*** (For the purposes of the habitual offender enhancement, the "cleansing period" refers to the amount of time that must pass before a conviction can no longer be counted as a prior offense on the offender's record.) Reduces the cleansing period for non-violent offenses from 10 to 5 years; modifies the method by which the cleansing period is calculated so that it begins upon the termination of the offender's supervision period, as opposed to the termination of the maximum sentence allowed in statute.

***Judicial discretion.*** Codifies *State v Dorthey* (1993), which stated that judges can impose sentences outside the provisions of the habitual offender statute if they are found to be constitutionally excessive; ensures that judges have this provision to adjust unfair sentences when necessary.

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## HOUSE BILL 249 BY REPRESENTATIVE MAGEE

***Ensures that criminal justice fines and fees do not become a barrier to successful reentry by determining a person's ability to pay; creating a payment plan that people can comply with; creating incentives for consistent payments; and targeting penalties for failure to pay on those who choose not to pay (rather than those who are unable to pay).***

***Ability to pay.*** For felony defendants, requires the court at sentencing to determine whether payment in full of criminal justice financial obligations would cause the defendant or their dependents substantial financial hardship.

***Creation of a payment plan.*** When hardship is found, directs courts to waive financial obligations or create a single payment plan with monthly payments of one day's pay; requires that half of each payment on a payment plan go toward restitution if it has been ordered.

***Incentives to pay.*** Incentivizes consistent payments with a debt forgiveness reward for those who pay every month for 12 months or half of their supervision term, whichever is longer.

***Penalties for failure to pay.*** Restricts the use of incarceration and driver's license suspension as penalties only for cases involving willful failure to pay as opposed to inability to pay; limits the extension of a person's probation supervision term to a single six-month extension when the court makes certain findings on the record, and only for the purpose of collecting unpaid victim restitution.

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## HOUSE BILL 489 BY REPRESENTATIVE LEGER

***Requires that savings are reinvested into programs and policies that will reduce reoffending and support victims of crime by mandating the collection and reporting of data to track the outcomes of the Justice Reinvestment package; and channeling savings from surplus funds achieved by reducing the prison population into a bona fide state obligation to be divided among community-based prison alternatives, victims services, and targeted investments within the Department of Corrections and parish jails.***

***Data collection and reporting.*** Directs the Department of Corrections in conjunction with the Louisiana Commission on Law Enforcement to collect data on the outcomes of the Justice Reinvestment reform package and report it annually to the Budget Committee and Commissioner of Administration; requires the Department of Corrections to calculate annual savings realized from reduction in the state prisoner population.

***Reinvestment of savings.*** Establishes that 70% of savings will be deemed a bona fide obligation of the state to be allocated as follows:

- ◆ ***Grants for community-based prison alternatives*** (30%) – to be distributed to parishes, judicial districts, and nonprofit community partner organizations to expand evidence-backed prison alternatives.
- ◆ ***Grants for victims services*** (20%) – to be distributed to victim services providers for safety planning, shelters and transitional housing, trauma-informed treatment, victim-focused training for justice system professionals, and other victim services.
- ◆ ***Department of Corrections targeted investments*** (50% in the first year and 30% in subsequent years) – to be invested in community supervision and programming, treatment, education, and employment services in prisons and parish jails.
- ◆ ***Office of Juvenile Justice*** (0% in the first year and 20% in subsequent years) – to be invested in programs and services to reduce recidivism among youth in the juvenile justice system.

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## **SENATE BILL 16** **BY SENATOR CLAITOR**

*Ensures that most people sentenced to life as juveniles receive an opportunity for parole consideration after serving a minimum of 25 years in prison.*

## **HOUSE BILL 116** **BY REPRESENTATIVE DWIGHT**

*Streamlines registration for victim notification and ensures that victims can request certain measures for their individual safety as a condition of an offender's release.*

## **HOUSE BILL 519** **BY REPRESENTATIVE EMERSON**

*Streamlines the process for people with criminal convictions to apply for and receive occupational licenses.*

## **HOUSE BILL 680** **BY REPRESENTATIVE MARINO**

*Suspends child support payments for people who have been incarcerated for more than six months unless the person has the means to pay or is imprisoned for specified offenses; allows courts to extend child support payments beyond the termination date for the period of time in which payments were suspended.*

## **HOUSE BILL 681** **BY REPRESENTATIVE MORENO**

*Lifts Louisiana's ban on SNAP benefits (Supplemental Nutrition Assistance Program, also known as food stamps) and TANF benefits (Temporary Assistance for Needy Families, also known as welfare) for drug offenders returning home from prison.*