

Legislative report

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THE MISSION
of the LDAA is as follows:

To improve Louisiana's justice system and the office of District Attorney by enhancing the effectiveness and professionalism of Louisiana's district attorneys and their staffs through education, legislative involvement, liaison and information sharing.

THE CORE VALUES
of LDAA members include:

We believe that the Louisiana Constitution requires, and Louisiana citizens favor, locally-elected, independent prosecutors. we believe that prosecutor discretion must be protected from interference through manipulative funding or legislative restrictions. Finally, we believe that prosecutors are the best and most trustworthy resource for legislative improvements to the criminal justice system.

District Attorneys Support Justice Reinvestment

The LDAA Board voted Wednesday to support a version of all ten (10) Justice Reinvestment bills filed in the 2017 Regular Session. Six (6) of the ten (10) bills need minor amendments, and we are working with the Governor's office and Legislative leaders to craft substantive amendments to four (4) of these bills. Our amendments are

designed to focus these reforms on non-violent, non-dangerous offenders. With these amendments, the package will trigger substantial savings and assure our support of the package. Here is a summary of what we can support:

Support with Substantive Amendments: (4 of the 10 bills):

SB 220 - Would implement a felony class system to eliminate inconsistencies in sentencing.

- The Felony Class System cannot be responsibly adopted in this short session. The JRTF began drafting this legislation only weeks ago. No other state has attempted to adopt this type of legislation with this little study and consideration. This bill has 72 pages of complex changes to nearly 600 statutes. The draft should be referred to the Law Institute for study and adoption in the 2018 Regular Session. Meanwhile, we would support a substitute bill that amends the penalties and benefit restrictions on a long list of felony statutes to be negotiated. Our initial recommendations include all of the non-violent offenses that are identified as drivers of incarceration except DWI. This can be done this year.

SB 139 - Would provide opportunities for parole consideration to some of Louisiana's longest-serving inmates; make massive probation/ parole supervision changes; would allow parole without a hearing; would expand medical furloughs.

- This is a multiple-object bill consisting of 54 pages and more than 52 different changes to the criminal law and procedure. Similar to SB 220, this bill is extremely complex and far reaching. We will support the bill with amendments to limit the provisions of the bill to non-violent offenders only. If accepted, these amendments would still trigger savings and assure our support for the JRTF package.

SB 221 - Would limit habitual offender penalties to certain crimes.

- The Habitual Offender statute is a critical tool for DAs to deal with dangerous and career offenders. The substance of the statute must remain intact. We will support the bill with amendments that substantially reduce the sentencing enhancements for 2nd and 3rd felony offenders. With these amendments, the bill will still trigger substantial savings and assure our support of the JRTF package.

SB 16 - Provide opportunities for parole consideration to certain juveniles sentenced to life without parole.

- As written, the bill grants parole consideration to murderers adjudicated to be among "the worst of the worst" after a special hearing on that issue. It also grants parole consideration to future juvenile 2nd degree murderers after serving 30 years. We will offer amendments to correct these flaws. Our support for this bill is contingent on the amendments adopted by the Senate.

Support with Minor Amendments:

HB 116 - Would improve and streamline the victim notification process.

- We support the bill with technical amendments.

HB 426- Would direct judges to consider incarcerated status when fixing child support.

- We support the bill.

HB 177 - Would eliminate restrictions from receiving food stamp benefits for drug offenders in 1st year of release.

- We support the bill.

HB 519 - Would expand opportunities for those reentering the community to earn full occupational licenses.

- We support the bill.

HB 489 - Would collect data to monitor the outcomes of reforms / reinvest over \$154 million dollars into research-based programs that reduce recidivism and support victims.

- We support the bill, however, support a larger percentage of savings to be reinvested.

HB 249 - Would tailor criminal justice financial obligations to a person's ability to pay, and modify penalties for failure to pay.

- We support the concept. This legislation may not be necessary. We will offer amendments to assure that the presumption of financial hardship does not become a loophole for many who can afford to pay.

Summary

The District Attorneys are primarily concerned with public safety. According to DOC statistics, 42% of released inmates commit new crimes within five (5) years. Without our amendments, some of these bills will cause a drastic reduction of sentences and early release of violent and dangerous offenders which will certainly generate thousands of new victims of violent crime. With our amendments, the District Attorneys can support all of these bills.