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March 14, 2018

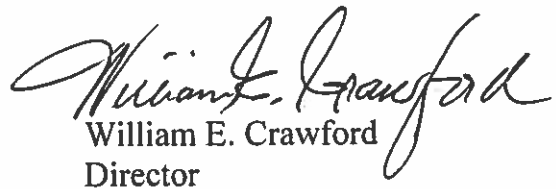
Representative Taylor Barras
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

RE: HOUSE RESOLUTION NO. 200 OF THE 2017 REGULAR SESSION

Dear Mr. Speaker:

The Louisiana State Law Institute respectfully submits herewith its interim report to the legislature relative to the 2017 criminal justice legislation.

Sincerely,


William E. Crawford
Director

WEC/puc

Enclosure

cc: Representative Walt Leger, III

email cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.us
Secretary of State, Mr. Tom Schedler
admin@sos.louisiana.gov

**LOUISIANA STATE LAW INSTITUTE
CRIMINAL CODE AND CODE OF CRIMINAL
PROCEDURE COMMITTEE**

**INTERIM REPORT TO THE LEGISLATURE
IN RESPONSE TO HR NO. 200 OF THE 2017 REGULAR SESSION**

Relative to the 2017 criminal justice legislation

Prepared for the
Louisiana Legislature on

March 14, 2018

Baton Rouge, Louisiana

**LOUISIANA STATE LAW INSTITUTE
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PROCEDURE COMMITTEE**

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2017 Regular Session

HOUSE RESOLUTION NO. 200

BY REPRESENTATIVE LEGER

A RESOLUTION

To direct the Louisiana State Law Institute to study and review legislation relative to the criminal justice system enacted during the 2017 Regular Session of the Legislature, to study and review its incorporation into Louisiana law, and to identify and recommend necessary changes to correct any inconsistencies with other provisions of Louisiana law that may exist.

WHEREAS, according to United States Bureau of Justice Statistics, Louisiana has the highest incarceration rate in the United States; and

WHEREAS, over the last several years, Louisiana has taken steps to implement cost-effective, evidence-based practices and programs to control the growth in the state's prison population; and

WHEREAS, in order to build upon this promising foundation and chart a data-driven course for comprehensive reform, in the 2015 Regular Session, the Louisiana Legislature passed House Concurrent Resolution No. 82 which created the Louisiana Justice Reinvestment Task Force (Task Force), under the jurisdiction of the Louisiana Sentencing Commission and the Department of Public Safety and Corrections; and

WHEREAS, beginning work in June 2016, the Task Force, comprised of legislators, judges, defense lawyers, prosecutors, law enforcement, faith leaders, and community advocates, was directed to develop recommendations for statutory and budgetary changes affecting sentencing and corrections practices with the goal of reducing the corrections population and associated spending, expanding research-based supervision and sentencing practices, and strategically reinvesting savings to reduce recidivism and improve reentry outcomes; and

WHEREAS, as a result of the Task Force's work, a report was issued in March of 2017, and several legislative instruments were introduced in the 2017 Regular Session of the Legislature including Senate Bill Nos. 16, 139, 220, and 221 and House Bill Nos. 116, 249, 489, 519, 680, and 681; and

WHEREAS, in addition to legislation directly affecting the criminal justice system including the reinvestment of savings into research-based programs that reduce recidivism and legislation regarding victim notification and services, criminal offenses, probation, parole, diminution of sentence for good behavior, certified treatment and rehabilitation programs, and criminal justice financial obligations; this legislative package impacted other areas of Louisiana law including occupational licenses, public assistance, and child support; and

WHEREAS, given the comprehensive nature of this legislative package and the numerous provisions of law affected, it is necessary to conduct a comprehensive review of the legislation and study its incorporation into and impact on other provisions of Louisiana law.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby direct the Louisiana State Law Institute to study and review legislation relative to the criminal justice system enacted during the 2017 Regular Session of the Legislature, to study and review its incorporation into Louisiana law, and to identify and recommend necessary changes to correct any inconsistencies with other provisions of Louisiana law that may exist.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall report its findings to the legislature by March 1, 2018.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the Louisiana State Law Institute.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

March 14, 2018

To: Representative Taylor F. Barras
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

**INTERIM REPORT TO THE LOUISIANA LEGISLATURE
IN RESPONSE TO HR NO. 200 OF THE 2017 REGULAR SESSION**

House Resolution No. 200 of the 2017 Regular Session directed the Louisiana State Law Institute to study and review legislation relative to the criminal justice system enacted during the 2017 Regular Session, to study and review its incorporation into Louisiana law, and to identify and recommend necessary changes to correct any inconsistencies with other provisions of Louisiana law that may exist. In fulfillment of this request, the Law Institute assigned the project to its Criminal Code and Code of Criminal Procedure Committee.

The Committee has begun the process of identifying the problems or inconsistencies that have arisen since the enactment of the 2017 criminal justice legislation, such as issues concerning probation and parole, costs and fees, and substantial hardship, as well as inconsistencies in the statutes on drug offenses and responsive verdicts with respect to weights. Members of the Committee also submitted several summaries and reports on the 2017 criminal justice legislation to assist the Committee in its work and agreed to communicate with their various constituencies for the purpose of developing a comprehensive list of issues for the Committee's consideration. However, due to the extensive nature of this package of legislation, and in light of the fact that many of these instruments only very recently took effect, the process of identifying changes that may be necessary is still ongoing. For example, several bills have been introduced during the 2018 Regular Session that would correct some of the inconsistencies that have been identified by the Committee with respect to the 2017 criminal justice legislation. In addition, the Committee has begun to discuss certain provisions of the 2017 criminal justice legislation that, while substantively correct, could potentially pose problems in the actual administration of the criminal justice system.

The Committee plans to meet several times over the course of the next year in conjunction with the appropriate agencies and associations to consider these issues and to make recommendations to ensure that the 2017 criminal justice legislation is appropriately incorporated into Louisiana law. A final report will be submitted to the legislature once the Committee has received approval of the project from the Council of the Law Institute. If in the meantime, however, the legislature wishes to direct the Law Institute to study specific issues or particular provisions of the 2017 criminal justice legislation, the Criminal Code and Code of Criminal Procedure Committee would be happy to do so.

Respectfully submitted,

Judge Guy Holdridge, Acting Reporter
Criminal Code and Code of Criminal Procedure Committee
Louisiana State Law Institute