Sheriff says Justice Reinvestment NOT good for Caddo Parish

Thursday, October 5, 2017

Caddo Sheriff Steve Prator told citizens today that new legislation designed to reform Louisiana's criminal justice system will **NOT** be good for Caddo Parish.

The Louisiana Justice Reinvestment Act, which was recently signed into law by Gov. John Bel Edwards, will allow for thousands of currently incarcerated inmates to be released beginning Nov. 1. That includes at least 63 inmates at Caddo Correctional Center.

"The Legislature and the Governor have made a huge mistake," Prator said. "Many of those scheduled to be released have not been properly vetted and are a danger to our safety and property. Seasoned multiple offenders are getting a break at our expense."

Justice Reinvestment reform was designed by the state to reduce the prison population and save an estimated $262 million over a 10-year period. Reducing the population is expected to rid the state of its title as the most imprisoned state in the country. Only one law enforcement officer served on the Justice Reinvestment Task Force.

Prator, a law officer for more than 44 years, said some reform may be in order but releasing thousands of offenders back into our communities isn't the answer.

"Simply put, the State of Louisiana is risking our safety for bragging rights and to save money," he said.

Ten bills made up the criminal reform package that was sent to the governor. As an example, the new laws provide for offenders to serve only 25 percent of their sentence and reduce penalties in many serious felonies and misdemeanors. They also make those convicted of drug offenses eligible for government assistance such as SNAP and provide for the removal of restitution for some offenders with "financial hardships."

"I assure you we will continue our relentless pursuit of justice by arresting those who seek to harm or steal from the productive citizens of Caddo Parish," Prator said.

To voice your opinion about Justice Reinvestment, citizens should contact their legislators or the governor.

Criminal Justice Reinvestment Act of 2017 Highlights

Act 280

Listed below are some of the more significant changes in post-conviction/sentencing contained in the Criminal Justice Reinvestment Act.

- Article 893A C.Cr.P. - Judges are now allowed to suspend sentences for third felony convictions and place individuals on probation (with certain exceptions). This is new.

  Article 893B(1) C.Cr.P.- When in the best interest of the public and the defendant, you can receive a suspended sentence and probation for a DWI 4th conviction. This is new.

- Article 895.6 C.Cr.P. allows reduction of probation term by earning good time. This theoretically reduces maximum probation time from 3 years to 18 mos. for a felony (certain exceptions). This creates an obvious problem for restitution or completion of substance abuse, counseling, alcohol, etc.

- Crime of violence (as defined in C.Cr.P. Art. 890.3) may be eligible for probation, unless committed against family/domestic partner.

- R.S. 15:571.3- Generally amends the good time formula so good time is earned faster = faster release.

- R.S. 15:574.4 has been amended to allow convicted individuals to become eligible for parole faster after serving 25% of their sentence rather than one-third of their sentence.

- R.S. 15:574.4 (F) has been amended to allow individuals convicted of second-degree murder to now be eligible for parole after certain conditions are met.These offenders were previously ineligible. (Eligibility criteria include offense date of 7/2/73 to 6/26/79, 40 years served, unanimous vote of parole board.)

- R.S. 15:574.6.1 Allows earning good time while on parole. Good time on parole will earn 30 days reduction of sentence for every full calendar month on parole. This is new.

- Probation and Parole violators may not be revoked for new violations in many cases. C.Cr. P. Art. 899.2.

Act 281

- Deals primarily with reducing the penalties in many serious felonies and misdemeanors.

- R.S. 14:62.2 -Simple Burglary of an Inhabited Dwelling and Home Invasions no longer have minimum mandatory jail sentence.

- R.S. 14:67 - Theft between $750-1000 used to be a felony; now it is a misdemeanor.

Narcotics

- Significant changes were made regarding the penalty for distribution or possession with intent to distribute various narcotic drugs particularly, Schedule I, under R.S. 40:967. The changes deal primarily with the amounts and related penalties. All penalties appear to be lessened to a certain extent, whether for distribution, possession with intent to distribute or simple possession.

- Possession with Intent to Distribute Marijuana – Previously, conviction carried a 10 (minimum mandatory)-50 year sentence. Under the new law, you could possess 10,000 lbs. or more and you are immediately eligible for probation. R.S. 40:966 A & B.

- Essentially the same with Heroin, R.S. 40:966 B 3A& G, and Cocaine, R.S. 40:967A&B.

Act 264

Child support obligation suspended during incarceration – HB 680.

Act 262

Eliminates waiting periods for felons obtaining a professional license under certain circumstances.

Act 265

Lifts restrictions on getting public assistance after drug-related convictions

(SNAP & TANF) Supplemental Nutrition Assistance Program & Temporary Assistance for Needy Families.

Act 260

Fines, Fees, and Restitution, C.Cr.P. Art. 875.1 (D) – Debt forgiveness during probation period, monthly payment cannot exceed one days wage.