



Following many [legislative victories in 2017](#), criminal justice reform advocates in Louisiana faced challenges going into the 2018 legislative session. While there were numerous attempts to roll back on criminal justice reform legislation, Smart on Crime and other key supporters worked to ensure that we continued the progress from 2017. Supporters encouraged skeptics to allow these reforms (which have proven successful in 34 other states since 2007) time to work. We've outlined a highlights reel of what's in, what's out, and other good bills for criminal justice reform from Louisiana's 2018 legislative session:

[Smart on Crime Louisiana Legislative Wrap Up](#)

What's In?

SB389 by Clatior/Act 668 – compromise bill/earned compliance credits, probation

The compromise bill, SB 389 by Clatior, keeps ECCs (Earned Compliance Credits) and maintains the three-year probation --- LDAA and some judges sought to scrap ECCs and extend ALL probation to five years. Considering most folks on probation mess up in their first few months, extending probation to five years doesn't make sense. SB 389 provides assessment tools for Probation & Parole to utilize when an offender reoffends, and it provides "teeth" for judges to ensure those who need to return to prison can OR the judge can extend probation to five years. BUT for those doing what they need to do, it allows for shorter probation periods and successful re-entry.

SB495 by Martiny/Act 604 – felony parole, adds misdemeanor notification to DOC, will include delay to administrative parole

SB495 provides that DOC be notified of any NEW felony OR misdemeanor offense. It also cleans up some language from last year granting parole eligibility to certain people whose eligibility was taken away in the 1980s. It provides for a unanimous vote of the Parole Board.

DOC requested a delay in the implementation of Administrative Parole to November of 2020. They indicated the delay in TIGER assessment implementation, the need for the Parole Board to hire three positions to administer the program, and the fact that Louisiana already has a good time system as reasons for their request. Of interest, please find attached the Administrative Parole Process Chart provided to us by DOC.

HB622 by Magee/Act 137 – delays implementation of restitution, fines & fees

HB 622 simply delays implementation of the new restitution, fines and fees bill passed in 2017. One caveat is language within SB 389 which converts unpaid restitution to a civil judgement on the back end and not front end of probation. Rep. Magee agreed to the delay last fall at the request of some judges. These issues will be hashed out of the next year and a half.

There are several bills which clean up various drug statutes and ensure issues like “legend drugs” do not carry higher penalties than Schedule I, II, or III drugs.

HB576 by Marino/Act 136 – delays implementation of child support/involuntary employment

The Department of Children and Family Services requested a delay in the implementation of involuntary employment related to child support payments. The federal government had requested DCFS change its approach and handling of involuntary unemployment PRIOR to the passage of Marino’s bill in 2017. They still need more time.

What’s Out?

Street credits are no longer available for probationers. Judges and District Attorneys were concerned street credits were too lenient and offered offenders an easy way to avoid doing what the court asked of them.

Other good bills!

SB243 by Morrell/Act 722 – unanimous juries

Unanimous juries have received a lot of press. In particular, opposition testimony presented in Administration of Criminal Justice by a couple of district attorneys was considered by many to be way out of line. Listen to the hearing at [0:29:20 here](#).

Scott Wilfong, Mary Patricia Wray and Terry Hutchinson are handling a portion of the campaign to pass the constitutional amendment. Scott is handling things on the “right” --- his take is to approach it from a gun rights perspective. Happy to discuss further... but obviously they are hunting “voices on the right” and money!

SB38 by Wesley Bishop/Act 466 – eyewitness Identification

SB 38 requires best practices be used by law enforcement when handling eyewitness statements, evidence, etc. It is pending House final passage.