

Minutes of the Louisiana Sentencing Commission
DPS&C Headquarters
504 Mayflower Street
Baton Rouge, LA 70802
9:00 a.m. February 16, 2012

- I. The meeting was called to order by the Honorable Ricky Babin. The following persons were in attendance:

Sentencing Commission Members:

Honorable Ricky Babin
Proxy of Honorable Sheriff Louis Ackal ~ Mr. Gary Bennett
Mr. Robert Barkerding (By Phone)
Honorable Mike Cazes
Honorable Louis Daniel
Honorable Yvonne Dorsey-Colomb
Proxy of Mr. David Dugas ~ Ms. Julie Kilborn
Proxy of Ms. Jean Faria ~ Mr. John DiGuilio
Proxy of Honorable Greg Guidry ~ Honorable Fredericka Wicker
Mr. Cheney Joseph
Secretary James LeBlanc
Representative Joseph Lopinto
Ms. Mary Manhein
Proxy of Honorable Jay B. McCallum ~ Honorable Jules Edwards
Proxy of Honorable Michael McDonald ~ Mr. Carle Jackson
Proxy of Mr. Robert Mehrtens ~ Mr. Carle Jackson
Proxy of Honorable Charles Riddle ~ Honorable Ricky Babin

Committee Members and Guests

Kim Barnette, DOC
Franz Borghardt, East Baton Rouge District Attorney's Office
James E. Cazalot, Jr., CURE
Cindy Chang, Times Picayune
Cloyce Clark, Governor's Office
Rhett Covington, DOC
Tracy DiBenedetto, DOC
Sheila Feigley, Private Citizen/Crime Victim

Whalen Gibbs, DOC
Henry Goines, Retired DOC Classification Manager
Angela Griffin, DOC
Melanie Gueho, DOC
Dianne Hanley, LIC Criminal Justice Committee
William Kline, DOC
Rhonda Nichols, AIM
Genie Powers, DOC
Greg Riley, House of Representatives (By Phone)
Jan Rodrigue, DOC
Dr. Ramah Singh, DOC
Gerald Starks, DOC/P&P
George Steimel, LACDL
Bob White, Plaquemines Parish District Attorney's Office
Angela Whittaker, DOC
Checo Yancy, LA CURE/ Re-entry

STAFF:

Sandra Laborie, La. Fifth Circuit Court of Appeal
Sonya Lars, LCLE

Chairman Babin apologized to the membership for the numerous changes in the date and time of the February meeting as the date was changed several times to accommodate all of the involved parties.

II. Minutes of the previous meeting were approved.

Motion by Wicker

Second by Edwards

III. Report on Home Incarceration Providers and the Survey – Ms. Rhonda Nicholls

The full report can be viewed on the Sentencing Commission page on the Louisiana Commission on Law Enforcement website at http://lcle.la.gov/sentencing_commission/survey_Data_report.pdf.

IV. Louisiana Sentencing Commission – Meeting Policy 1.0

The Sentencing Commission shall conduct its meetings on the third Thursday of each month at 1:00p.m. This date and time shall not be changed absent natural disasters or exigent emergencies, and then only by order of the Chairman. Committees and subcommittees of the Commission will meet on the morning of the Sentencing Commission meeting date at the same location or the day before and at other times as necessary at the discretion of the respective chairperson.

To see the discussion that supports this policy, please see the Louisiana Sentencing Commission webpage at

http://lcle.la.gov/programs/sentencing_commission.asp .

Moved by Wicker

Second by DiGuilio

Unanimous approval

It was noted that Judge Edwards, proxy for Judge Jay McCallum, has a conflict with that time.

V. 2012 Legislative Recommendations

The Commission was reminded of the following timelines for filing legislation:

February 29	Pre-file date
March 2	
March 12	Legislative Session Begins at Noon
April 2	Legislation that was not Pre-filed
April 3	Introduction to Legislation that was not Pre-filed

March 1 Biannual Report of the Louisiana Sentencing Commission
Due to the timing of the next scheduled Sentencing Commission, Chairman Babin suggested allowing Carle Jackson to complete the report and send it to the membership electronically for review prior to its release.

Moved by Moreno

Second by Wicker

Approved

A. Crimes of Violence Hinge Legislation

Per Cloyce Clark, the Governor requested that this item be tabled.

Moved by Cazes
Second by Moreno
Motion Carried to Table

- B. Minimum Mandatory Hinge Proposal
Following a lengthy discussion there was a motion to table this item until the next meeting to allow the criminal justice partners adequate time to review the changes suggested by the Governor's Office.

Motion by Wicker
Second by Edwards
Motion Failed

Senator Dorsey asked additional questions about the Sentencing Commissions process. After further discussion she encouraged the group to send the legislation forward as submitted by the Governor's Office for Minimum Mandatory legislation.

Motion by Dorsey
Second by LeBlanc
Approved 6 For 5 Against

- C. Drug Free Zones, Reduced from 2,000 feet to 1,000 feet
Following a lengthy discussion, a motion was put forth to table this item.

Motion to Table by Dorsey
Second by Kostelka
Failed For 4 Against 5

Motion to Forward the Legislation by Wicker
Second by Cazes
Failed For 2 Against 7

- D. Expansion of the Re-Entry Court Program in the 19th JDC (East Baton Rouge) and the 22nd JDC (St. Tammany and Washington Parishes)

**Motion to Recommend by Dorsey
Second by DiGulio
Approved For 8 Against 0**

E. Merger of Pardon and Parole

**Motion to Recommend by Wicker
Second by Moreno
Approved For 8 Against 0**

F. Elimination of the Risk Review Panel

**Motion to Recommend by Wicker
Second by Dorsey
Approved For 8 Against 0**

G. Administrative Sanctions

**Motion to Recommend by Wicker
Second by DiGuilio
Approved For 8 Against 0**

H. Administrative Sanctions Evidentiary Exclusion Rule

**Motion to Recommend by Wicker
Second by Edwards
Approved For 7 Against 0**

VI. Other New Proposals

A. Graham versus Florida has been reviewed by the Louisiana Law Institute and they have some recommendations to develop meaningful opportunities for incarcerated youth to be paroled at some point. Representative Lopinto advised the group that he will submit legislation to address this issue. Chaney Joseph agreed that some effort to address the issue needs to go forward during this session.

VI. Other Business

- A. Judge Wicker advised that the language in the Minimum Mandatory legislation needs to be reviewed to insure that it does not include an inference of the negative. Greg Riley will review the wording prior to the beginning of the session.
- B. Jimmy LeBlanc requested that the Release Mechanism Committee do addition review of the issue of Good time and Parole Eligibility in preparation for the 2013 legislative session.
- C. John DiGuilio asked if the Commission would review the option of reducing the length of probation and parole time. Judge Edwards states that he is against a blanket policy of limiting the length of time versus having the ability to terminate the period earlier.

VII. Adjourn

The meeting was adjourned at by unanimous consensus.