

West's Louisiana Statutes Annotated  
Louisiana Revised Statutes  
Title 13. Courts and Judicial Procedure (Refs & Annos)  
Chapter 34. Reentry Courts (Refs & Annos)

LSA-R.S. 13:5401

§ 5401. District courts; reentry courts; subject matter

Effective: August 1, 2022

[Currentness](#)

A. Each district court, by rule, adopted by a majority vote of the judges sitting en banc, may assign a certain division of the court as a reentry division of court. Prior to the creation of a reentry division of court, each district court shall secure funding to establish and maintain a reentry division of court. However, failure to do so will have no effect upon any judgment, finding, or sentence. The reentry division of court shall establish a workforce development sentencing program, which shall establish guidelines for the issuance of sentences providing inmate rehabilitation and workforce development. The reentry division of court and sentencing program shall work in conjunction with the Louisiana Workforce Commission and all efforts shall be coordinated and consistent with the provisions of [R.S. 23:1 et seq.](#)

B. Participation in the workforce development sentencing program as authorized by the provisions of this Section shall be subject to the following provisions:

(1) The court may recommend that a defendant participate in the workforce development sentencing program if all of the following criteria are satisfied:

(a) The defendant meets the eligibility requirements for participation in the Offender Rehabilitation and Workforce Development Program as provided for in [R.S. 15:1199.7\(A\) and \(C\)](#).

(b) The defendant meets the suitability requirements as defined by best practices developed for the Offender Rehabilitation and Workforce Development Program as adopted by the Louisiana Supreme Court.

(c) The court determines that it is in the best interest of the community and in the interest of justice that the defendant be sentenced to the Offender Rehabilitation and Workforce Development Program.

(d) Repealed by [Acts 2022, No. 450, § 2](#).

(e) The defendant shall not have any prior felony convictions for any offenses defined as a sex offense in [R.S. 15:541](#).

(f) The crime before the court shall not be a crime of violence as defined in [R.S. 14:2\(B\)](#), including domestic violence; however, the provisions of this Subparagraph shall not apply to any of the following crimes of violence:

(i) Aggravated battery ([R.S. 14:34](#)).

(ii) Second degree battery ([R.S. 14:34.1](#)).

(iii) Battery of a police officer ([R.S. 14:34.2](#)).

(iv) Disarming of a peace officer ([R.S. 14:34.6](#)).

(v) Aggravated assault ([R.S. 14:37](#)).

(vi) Aggravated assault with a firearm ([R.S. 14:37.4](#)).

(vii) Simple kidnapping ([R.S. 14:45](#)).

(viii) False imprisonment; offender armed with dangerous weapon ([R.S. 14:46.1](#)).

(ix) Aggravated arson ([R.S. 14:51](#)).

(x) Aggravated criminal damage to property (R.S. 14:55).

(xi) Home invasion (R.S. 14:62.8).

(xii) Second degree robbery (R.S. 14:64.4).

(xiii) Simple robbery (R.S. 14:65).

(xiv) Purse snatching (R.S. 14:65.1).

(xv) Aggravated flight from an officer (R.S. 14:108.1).

(g) Other criminal proceedings alleging commission of a crime of violence as defined in R.S. 14:2(B), except those listed in, shall not be pending against the defendant.

(h) The crime before the court shall not be a charge of any crime that resulted in the death of a person.

(i) The district attorney or appropriate prosecuting authority of the charge for which a defendant may be considered for re-entry court consents to participation by the defendant in all cases wherein the defendant is convicted of an eligible violent crime pursuant to R.S. 14:2.

(2)(a) Upon a determination that the defendant meets the eligibility and suitability criteria provided for in Paragraph (1) of this Subsection, the court shall advise the defendant that he may be eligible for enrollment in the workforce development sentencing program.

(b) Prior to sentence, the court shall contact the Department of Public Safety and Corrections Reentry Services to determine if there is adequate capacity for enrollment or if bed space is available.

(3) In offering a defendant the opportunity to request the program, the court shall advise the defendant of the following:

(a) If the defendant is eligible to participate in the workforce development sentencing program, the defendant shall waive the right to a trial. The defendant shall enter a plea of guilty to the charge, with the stipulation that the defendant shall be sentenced to custody of the Department of Public Safety and Corrections to participate in the Offender Rehabilitation and Workforce Development Program and after successful completion of that program, he may petition the court to suspend the remainder of his sentence and be placed on probation under the intensive supervision of the reentry division of court.

(b) The court may impose any conditions reasonably related to the rehabilitation of the defendant, including ordering the defendant to participate and complete a substance abuse treatment program.

(c) A defendant who is placed under the supervision of the reentry division of court shall pay the cost of any assessments, substance abuse tests, and treatment programs to which he is assigned and the cost of any additional supervision that may be required, to the extent of his financial resources, as determined by the reentry division of court.

(d) Notwithstanding any provision of law to the contrary, any offender sentenced under this Section shall not be eligible for parole pursuant to [R.S. 15:574.4\(A\)\(1\)](#), nor earn “good time” pursuant to [R.S. 15:571.3](#), or additional “good time” credits for participation in certified treatment and rehabilitation programs pursuant to [R.S. 15:828](#) while in the program.

(4) The defendant has the right to be represented by counsel at all stages of a criminal prosecution. The defendant shall be represented by counsel during the determination of eligibility to participate in the workforce development sentencing program at the time of the execution of the sentencing agreement and at any subsequent probation revocation hearing to discharge him, unless the court finds and the record shows that the defendant has knowingly and intelligently waived his right to counsel.

(5) The defendant shall agree to participation in the workforce development sentencing program.

(6) The judge shall consider the following factors in determining whether workforce development sentencing is in the interest of justice and of benefit to the defendant and the community:

(a) The nature of the crime charged and the circumstances surrounding the crime.

(b) Any special characteristics or circumstances of the defendant.

(c) Whether there is a probability that the defendant will cooperate with and benefit from the workforce development sentencing program.

(d) Whether the available workforce development sentencing program is appropriate to meet the needs of the defendant.

(e) The impact of the defendant's sentencing upon the community.

(f) Recommendations, if any, of the district attorney.

(g) Recommendations, if any, of the involved law enforcement agency.

(h) Recommendations, if any, of the victim.

(i) Provisions for and the likelihood of obtaining restitution from the defendant.

(j) Any mitigating circumstances.

(k) Any other circumstances reasonably related to the defendant's case.

(7)(a) If the judge determines that the defendant shall be enrolled in the workforce development sentencing program, the court shall accept the defendant's guilty plea and sentence the defendant to the custody of the Department of Public Safety and Corrections for participation in the

Offender Rehabilitation and Workforce Development Program under the terms and conditions of the workforce development sentencing program.

(b) If the judge determines that the defendant is not qualified for enrollment, the judge shall state for the record the reasons for that determination.

(c) If the defendant successfully completes the Offender Rehabilitation and Workforce Development Program and successfully completes all other requirements of the workforce development sentencing program, he may petition the court to suspend the remainder of his sentence and be placed on probation under the intensive supervision of the reentry division of court, notwithstanding any other provision of law to the contrary which provides that any minimum mandatory sentence is to be imposed without the benefit of probation, parole, or suspension of sentence unless the crime before the court is the use or possession of a firearm or other dangerous weapon while committing or attempting to commit a crime of violence pursuant to the provisions of [R.S. 14:95\(E\)](#).

(d) If the defendant violates any condition of his reentry probation, the court may revoke the probation and order the defendant to serve the sentence previously imposed and suspended, or the court may revoke the probation and order the defendant to be committed to the custody of the Department of Public Safety and Corrections and be required to serve a sentence of not more than twelve months without diminution of sentence in the intensive incarceration program pursuant to [R.S. 15:574.4.4](#), or the court may impose a sentence of not more than ninety days without diminution of sentence or credit for time served prior to the revocation for any technical violation, or the court may impose any sanction provided by [Code of Criminal Procedure Article 900](#), and extend probation and order that the defendant continue treatment for an additional period, or both. The term of the revocation for a technical violation shall begin on the date the court orders the revocation. Upon completion of the imposed sentence for the technical revocation, the defendant shall return to active and supervised probation for a period equal to the remainder of the original period of probation subject to any additional conditions imposed by the court.

(e) A “technical violation”, as used in this Paragraph, means any violation except it shall not include any of the following:

(i) Being arrested, charged, or convicted of any of the following:

(aa) A felony.

(bb) Any intentional misdemeanor directly affecting the person, including but not limited to domestic abuse battery.

(ii) Being in possession of a firearm or other prohibited weapon.

(iii) Absconding from the jurisdiction of the court.

C. Repealed by [Acts 2017, No. 131, § 2](#).

### **Credits**

Added by [Acts 2012, No. 399, § 1](#). Amended by [Acts 2013, No. 302, § 1](#); [Acts 2014, No. 7, § 1](#); [Acts 2014, No. 327, § 1](#); [Acts 2014, No. 376, § 1](#); [Acts 2014, No. 624, § 1](#); [Acts 2015, No. 79, § 1](#); [Acts 2016, No. 54, § 1](#); [Acts 2016, No. 221, § 1](#); [Acts 2016, No. 421, § 1](#); [Acts 2017, No. 131, § 1](#); [Acts 2019, No. 369, § 1](#); [Acts 2022, No. 450, § 1](#).

LSA-R.S. 13:5401, LA R.S. 13:5401

Current through the 2023 First Extraordinary, Regular, and Veto Sessions.