

EVALUATION OF STRATEGIES TO REDUCE
LOUISIANA'S INCARCERATION RATE AND COSTS
FOR NONVIOLENT OFFENDERS



PERFORMANCE AUDIT SERVICES
ISSUED AUGUST 31, 2016

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LOUISIANA LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

August 31, 2016

The Honorable John A. Alario, Jr.,
President of the Senate
The Honorable Taylor F. Barras,
Speaker of the House of Representatives

Dear Senator Alario and Representative Barras:

This report provides the results of our audit to evaluate potential strategies to reduce Louisiana's incarceration rate and costs for nonviolent offenders. I hope this report will benefit you in your legislative decision-making process. We would like to express our appreciation to the management and staff of the Department of Corrections and other stakeholders interviewed for their assistance during this audit.

Sincerely,

Daryl G. Purpera, CPA, CFE
Legislative Auditor

DGP/aa

INCARCERATION RATE 2016

Louisiana Legislative Auditor

Daryl G. Purpera, CPA, CFE



Evaluation of Strategies to Reduce Louisiana's Incarceration Rate and Costs for Nonviolent Offenders

August 2016

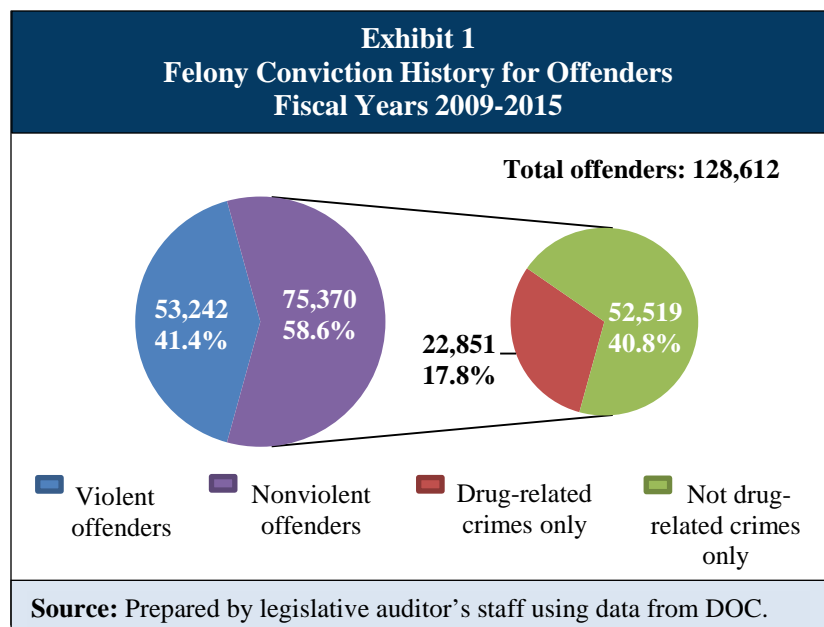
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Introduction

According to the U.S. Department of Justice (USDOJ), as of December 2014, Louisiana had the highest incarceration rate in the United States with an estimated 816 of every 100,000 residents incarcerated. Recognizing that reforms were needed to reduce Louisiana's incarceration rate, the Legislature recently created the Louisiana Justice Reinvestment Task Force.¹ This task force, with assistance from The Pew Charitable Trusts, will review the criminal justice system and use a data-driven approach to develop recommendations by March 2017 related to the following three goals:

- (1) Reduce correctional populations and associated correctional spending by focusing prison space on serious and violent criminals.
- (2) Hold offenders accountable more efficiently by implementing research-based supervision and sentencing practices.
- (3) Reinvest savings into strategies to decrease recidivism, including improved re-entry outcomes.

To provide information to the Legislature and to assist the task force in developing recommendations, the purpose of this report was to evaluate potential strategies to reduce incarceration rates and costs for nonviolent offenders in Louisiana. We focused specifically on the nonviolent offender population as, in addition to having the highest incarceration rate, Louisiana incarcerates a higher number of nonviolent offenders than the national average. According to Department of Corrections (DOC) data, of the 128,612 individuals

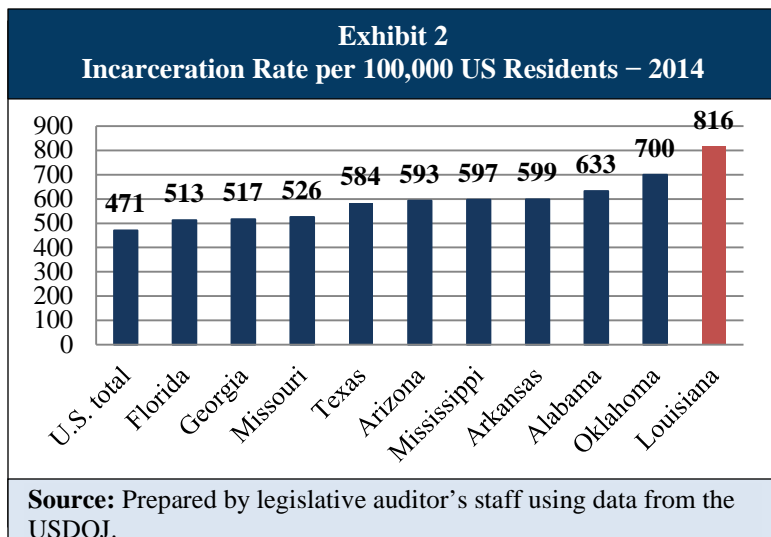


¹ HCR 82 of the 2015 Regular Session initially and continued by HCR 69 of the 2016 Regular Session.

incarcerated or under DOC supervision during fiscal years 2009 to 2015, 75,370 (58.6%) had nonviolent offenses *only*, meaning they had no violent convictions in their past, and 22,851 (17.8%) had drug offenses *only*. Exhibit 1 on the previous page shows the percent of nonviolent offenders in DOC custody from 2009 to 2015. We also found that 17,610 (73.7%) of 23,904 DOC offenders represented by public defenders² from 2010 to 2015 had nonviolent charges and nonviolent convictions *only*. Appendix C lists the 10 most prevalent types of nonviolent offenses.

To address high incarceration rates, Louisiana and 17 other states participated in the Justice Reinvestment Initiative (JRI) facilitated by the USDOJ in 2010. The purpose of this initiative was to identify specific drivers contributing to each state’s incarceration rate. In Louisiana, this initiative identified three drivers including the large percentage of nonviolent offenders in prison, technical violations of parole resulting in offenders returning to prison, and the declining use of parole. To address these drivers, the Legislature passed several reforms in 2011 and 2012 that allowed administrative sanctions for technical violations of probation and parole and increased eligibility for traditional and good time parole. For a timeline and description of recent reforms, see Appendix D. As a result of these efforts, Louisiana has made some progress in reducing its incarceration rate. According to the USDOJ, Louisiana ranks fourth in the nation for decreasing the number of prisoners in 2014 but still has the highest incarceration rate in the country. Exhibit 2 shows Louisiana’s rate compared to other states and the US.

In fiscal year 2015, Louisiana spent approximately **\$680.4 million** on incarceration, an increase of \$25.2 million (3.9%) from the previous fiscal year.



While incarceration is necessary for offenders who pose a threat to public safety, implementing strategies to reduce Louisiana’s incarceration rate, especially for nonviolent offenders, could reduce costs and still keep the public safe. According to the Center on Budget and Policy Priorities, states that have implemented criminal justice reforms have seen their crime rates remain low while saving millions of dollars in prison construction and operating costs, freeing up revenue that can be used for schools and other priorities.

Our evaluation of potential strategies to reduce incarceration rates and costs for nonviolent offenders and our recommendations to DOC and the Legislature are outlined on the pages that follow. Appendix A contains DOC’s and the Louisiana District Attorneys Association’s responses to the report. Appendix B contains our scope and methodology.

² We obtained data from the Public Defender Board and matched cases with the DOC population to determine what the original charge was in each case. The 23,904 cases represent the cases that had a corresponding DOC record and not the entire population of public defender cases.

Objective: Evaluate potential strategies to reduce Louisiana’s incarceration rate and costs for nonviolent offenders.

To evaluate potential strategies to reduce Louisiana’s incarceration rate and reduce costs for nonviolent offenders, we researched best practices, surveyed each judicial district in the state, and interviewed an array of criminal justice stakeholders including judges, district attorneys, sheriffs, public defenders, DOC staff, the Louisiana Supreme Court, and the Louisiana Sentencing Commission. We also researched other states, specifically focusing on southern states with similar drivers of incarceration rates that have successfully implemented bi-partisan reform. In addition, we analyzed DOC’s data on offenders incarcerated or on supervision from 2009 to 2015. Based on this review and analysis, we identified several strategies that have been used effectively in other states to reduce incarceration rates. These strategies focus particularly on nonviolent offenders and are organized based on key decision points within the criminal justice system. These decision points and associated strategies are summarized in Exhibit 3. Details regarding each strategy are summarized on the pages that follow.

Exhibit 3 Decision Points and Associated Strategies	
Decision Point	Strategy
<p>Pre-incarceration: Providing alternatives to incarceration that include services to help prevent or divert low risk or nonviolent offenders from being incarcerated.</p>	<p>Expanding pretrial diversion and specialty courts could reduce the incarceration rate by diverting nonviolent offenders from prison. However, while Louisiana’s drug courts have demonstrated cost savings, better data collection is needed for pretrial diversion and other specialty courts to evaluate whether these programs are effective. (pp. 4-7)</p>
<p>Sentencing: Ensuring that sentences are fair and proportionate to the crime committed.</p>	<p>Sentencing reforms, such as reducing the use of mandatory minimum sentences and the habitual offender law for nonviolent offenders, and sentencing certain nonviolent offenders to probation instead of prison could reduce the incarceration rate. (pp. 7-10)</p>
<p>During Incarceration: Providing effective rehabilitation programs to offenders while they are incarcerated to help reduce recidivism and facilitate their successful re-entry into society.</p>	<p>Expanding rehabilitation programs in local facilities that are effective at decreasing recidivism would help reduce the incarceration rate. Although local jails house more nonviolent offenders, they have fewer rehabilitation programs and higher recidivism rates than state facilities. (pp. 10-13)</p> <p>Further expanding re-entry services at the local level to help offenders transition back into society would help reduce the incarceration rate. Re-entry programs can reduce recidivism by 32% and save approximately \$14 million per year. (pp. 13-16)</p>
<p>Release: Providing effective and appropriate levels of supervision to offenders after they are released.</p>	<p>Because reform efforts have resulted in more offenders on parole, the caseloads of probation and parole officers have increased by 12.9%. Reducing the amount of supervision required for low-risk, nonviolent offenders could lower the incarceration rate by focusing probation and parole resources on offenders most likely to re-offend. (pp. 17-20)</p>
<p>Source: Prepared by legislative auditor’s staff from information on pages 4-20 of this report</p>	

Expanding pretrial diversion and specialty courts could reduce the incarceration rate by diverting nonviolent offenders from prison. However, while Louisiana’s drug courts have demonstrated cost savings, better data collection is needed for pretrial diversion and other specialty courts to evaluate whether these programs are effective.

Louisiana offers both pretrial diversion programs, administered by district attorney offices, and specialty (or problem-solving) courts. Pretrial diversion is an alternative means of processing a criminal case that may result in the dismissal of the charge(s) if the defendant completes the program, thus “diverting” an offender from incarceration. Specialty courts are programs that address a range of social issues, such as mental health and substance abuse, in order to solve specific problems rather than issue punishments. According to the USDOJ and the National Conference of State Legislatures,³ pretrial intervention and specialty courts are effective at reducing incarceration rates because offenders are provided with specialized services that address issues driving criminal behavior such as substance abuse and mental illness instead of being sent to prison. By targeting the underlying root causes of criminal activity, the goal of these programs is to ultimately reduce offenders’ recidivism. Since no centralized data exists on all of these programs (except for drug courts), we surveyed all 42 judicial districts to determine the prevalence, cost, and success of these programs in Louisiana and found the following:

At least 37 (88.1%) of the 42 district attorney offices operate a pretrial intervention program; however, the lack of centralized data on eligibility criteria, program costs, and performance outcomes makes it difficult to determine whether these programs are effective. Pretrial intervention programs have no centralized oversight or standardized collection of information about costs and outcomes, and each district attorney’s office operates its programs differently. In Louisiana, the district attorney is responsible for deciding, often on a case-by-case basis, what crimes and offenders are eligible for pretrial intervention,⁴ how much an offender must pay to participate in the program, and what services are offered or required.

According to our survey, the most common services offered were supervision, anger management, and counseling – either by external service providers or internal staff. Most district attorney offices also had a range of fees, from \$50 to \$2,500 depending on the type of offense, and some waived fees if participants could not pay. In addition, some district attorney offices collected outcome information, such as the number of participants completing the program, while others did not collect any information. However, while some district attorney offices reported tracking re-arrests, no standardized reporting of recidivism exists, which would be a good indicator of the effectiveness of these programs. Therefore, requiring standardized reporting and the collection of certain cost and outcome information, such as recidivism rates, would help Louisiana expand programs that are working so the state could invest resources in

³ Bureaus of Justice Assistance, “Pretrial Diversion Programs: Research Summary,” October 2010. National Conference of State Legislatures, “Principles of Effective State Sentencing and Corrections Policy,” August 2011.

⁴ Usually nonviolent crimes are eligible.

those that are most effective. Appendix E shows the results of our survey of pretrial intervention programs for each judicial district.

At least 28 (66.7%) of the 42 judicial districts have a specialty court. However, while the Supreme Court collects standardized information on drug court costs and outcomes, requiring that other specialty courts collect similar information would help demonstrate their effectiveness. In a survey conducted by the National Center for State Courts,⁵ respondents stated that specialty courts were one of states' most effective non-incarceration programs for nonviolent and other suitable felony offenders. Most specialty courts are composed of multi-disciplinary teams, from within and outside the criminal justice system, that include the lead judge, prosecuting attorney, defense attorney, treatment providers, case managers, probation officers, and professionals such as psychologists or counselors. In Louisiana, 13 district courts operate specialty courts other than drug courts such as DWI/Sobriety courts, Re-entry courts, Veteran's courts, and Mental Health/Behavioral Health courts. However, while all 13 courts reported tracking some type of outcome measure, no standardized reporting of outcomes for these courts exists.

In addition, 26 (61.9%) of the 42 judicial districts reported having one or more drug courts, which are the most common type of specialty court across the nation. Drug courts involve a tailored, phased treatment system. The Louisiana Supreme Court provides funding, administrative support, and oversight for drug courts. It collects data on participants, the number of hours of treatment performed, and tracks the various programs for compliance with the program's standards. According to the Supreme Court, in 2014, Louisiana drug courts served 4,926 participants and had a graduation rate of 43% with a total cost of \$17,140,308, or an average of \$3,480 per participant. Since the drug court's inception, the Supreme Court reported a total of 8,949 graduates. Graduates in 2012 had a 10.2% recidivism rate as 89.8% remained free of additional convictions three years after graduation. Exhibit 4 on the following page provides examples of specialty courts in Louisiana and the number of judicial districts with each type. Appendix F shows the types of specialty courts in each judicial district along with budget and participation numbers.

⁵ National Center for State Courts, "Getting Smarter About Sentencing: NCSC's Sentencing Reform Survey," Williamsburg, Va., 2006.

Exhibit 4 Types of Specialty Courts Fiscal Year 2014		
Court Type	Number of Judicial Districts	Description
Drug Court	26	Addresses substance abuse through a tailored, phased treatment program, including judicial oversight and community supervision. Louisiana has both adult and juvenile drug courts.
DWI/Sobriety Court	6	Accountability court dedicated to changing the behavior of DWI offenders through intensive treatment and supervision. These courts are post-conviction.
Family Preservation Court/Domestic Violence Court	6	Addresses needs of offenders charged with child abuse, domestic violence, or failure to pay child support. Participants receive counseling, which may include in-patient or out-patient counseling.
Re-entry Court	5	Supervision and treatment program for less serious nonviolent offenders, including drug testing and counseling, educational opportunities, and employment assistance. Offenders serve time at Louisiana State Penitentiary and are paired with a mentor who may be serving a life sentence.
Veteran’s Court	5	Addresses war-related illnesses, such as Post Traumatic Stress Disorder, that may contribute to substance abuse, domestic violence, and arrests. Veterans work out their sentence through treatment, counseling, and community service.
Mental Health Court (Adult/Juvenile)	5	Addresses the needs of offenders with mental illness, who have a wide range of charges, through treatment plans and monitoring requirements. Participants may also receive substance abuse treatment.
Source: Prepared by legislative auditor’s staff using self-reported survey data.		

The Louisiana Supreme Court estimates that each offender sent to drug court instead of prison saves \$29,390 for offenders in state facilities and \$7,913 for offenders in local facilities over a two-year period. Applying these estimates to actual DOC data, we found that 8,822 offenders had drug possession *only* charges in their criminal histories. Housing these offenders in a local facility for two years would cost approximately \$157.2 million, while sending these offenders through drug court would cost approximately \$87.3 million, a savings of approximately \$69.8 million.⁶ In order to place more offenders in specialty courts, however, community resources, such as substance abuse treatment, must be available.

Other states have recently expanded specialty courts. For example, in 2014, Mississippi reinvested \$10.8 million of averted prison spending into specialty courts as part of a large reform package that is expected to save the state \$266 million through 2024 by reducing the incarceration rate. In Louisiana, there has been legislative interest in expanding specialty courts. For example, in the 2016 Regular Session, Act 221 created re-entry courts in three judicial districts, and Senate Concurrent Resolution 117 commended the Louisiana Supreme Court on the effectiveness of drug courts and requested a report on plans and proposals to expand other specialty courts by February 1, 2017.

⁶ This estimate assumes that all 8,822 offenders would be deemed eligible for drug court.

Matter for Legislative Consideration 1: The Legislature may wish to consider designating an entity to collect consistent and standardized cost and performance outcomes for pretrial diversion programs in order to determine the effectiveness of these programs.

Matter for Legislative Consideration 2: The Legislature may wish to consider requiring other specialty courts to collect consistent and standardized cost and performance outcomes similar to drug courts so that it can better determine whether these programs are effective.

Sentencing reforms, including reducing the use of mandatory minimum sentences and the habitual offender law for nonviolent offenders, and sentencing certain nonviolent offenders to probation instead of prison could reduce the incarceration rate.

Louisiana's laws directly affect the state's incarceration rate as they affect who goes to jail and for how long. In Louisiana, sentences, or the penalties assigned to crimes, are written into the same laws that establish the crimes. This means that each crime in Louisiana carries a unique sentence in law that prescribes a term of incarceration, a fine, or both. In addition, sentencing enhancements, like the habitual offender law, are included in statute and can be used to add increased penalties for offenders who have been previously convicted of a crime. Appendix G shows all Louisiana statutes that offenders were convicted under from fiscal year 2009 to 2015. It also includes whether the crime carries a mandatory minimum and whether offenders were sentenced under the habitual offender law for that crime.

Previous reform efforts have not typically focused on sentencing because of its complexity and the difficulty in building consensus among different entities. While some reforms, such as legislation removing some mandatory minimum sentences, have tried to address the impact of sentencing, new mandatory minimum sentences are often placed into law that counteract previous reform efforts. As discussed below, new sentencing reforms, particularly for nonviolent offenses, could reduce the incarceration rate and ensure that sentences are proportional to the crime committed.

More than half of the mandatory minimum laws in Louisiana are for nonviolent crimes. Mandatory minimum sentences contribute to a high incarceration rate as offenders must be sentenced to incarceration instead of supervision. Louisiana has 599 statutes in Titles 14 and 40. Of these, there are at least 164 mandatory minimum sentences – 91 (55.5%) for nonviolent crimes and 73 (44.5%) for violent crimes.⁷ Sentences are considered mandatory minimums if the statute includes some or all of the phrase “without benefit of probation, parole, or suspension of sentence.” However, some offenders sentenced under mandatory minimum sentences are able to earn good time credits that contribute to early release

⁷ In Titles 14 and 40, there are more nonviolent crimes in total than violent crimes which could contribute to the higher number of nonviolent mandatory minimum sentences.

to good time parole if eligible.⁸ Article 890.1 of the Louisiana Code of Criminal Procedure allows judges and district attorneys to waive the use of mandatory minimum sentences as long as they both agree; however, judges and public defenders we interviewed stated that these waivers are rare because it can be difficult for judges and district attorneys to reach an agreement.

Mandatory minimum sentences dictate the lowest sentence of incarceration a judge can order for certain crimes. Statutes that carry mandatory minimum sentences remove judicial discretion in sentencing. This can lead to a high incarceration rate, particularly for nonviolent offenders who may not have been sentenced to incarceration or who may have been sentenced to a lower amount of time had the mandatory minimum sentence not been in place. Additionally, according to the National Conference of State Legislatures, mandatory minimums actually shift sentencing discretion from judges to prosecutors because prosecutors can choose whether to charge an offender with an offense that carries a mandatory minimum sentence or to offer a plea bargain to a lesser crime or one that does not carry a mandatory minimum.

In 2001, Louisiana passed Act 403, which removed several mandatory minimum sentences for nonviolent crimes; however, some of these sentences, like the mandatory sentence for Simple Burglary of a Pharmacy, have been placed back into law. Additionally, mandatory minimum sentences are often increased in law. For example, Act 368 of the 2014 Regular Session increased the mandatory minimum sentence for the crime of manufacture of, distribution of, or possession with intent to distribute Schedule I narcotics from five to 10 years. In 2014, the Louisiana Sentencing Commission recommended in its report to the Governor and the Legislature, a modification of mandatory minimum sentencing that would allow the court to sentence a defendant charged with crimes requiring a mandatory minimum sentence to a lesser penalty if substantial and compelling reasons exist to do so, but no legislation allowing for the implementation of this recommendation was introduced. Other states have implemented similar provisions. For example, in 2014, Mississippi gave judges the option to bypass mandatory minimum sentences for drug trafficking offenses when the sentence is not in the interest of public safety.

The habitual offender law allows for enhanced sentences for offenders with two or more convictions, even for nonviolent crimes. This means that nonviolent offenders could serve long sentences for a series of minor crimes. We found that 77.5% of cases sentenced under the habitual offender law were for nonviolent offenses.⁹

A **third-time offender** sentenced under the habitual offender law for manufacture or distribution of marijuana would be sentenced to 20 to 60 years, as opposed to five to 30 years if not convicted as a habitual offender.

Under the habitual offender law, offenders who commit a second or subsequent felony within 10 years of completing a sentence for a previous felony conviction may be prosecuted as a habitual offender. This law increases the minimum sentence length an offender can receive. The use of the habitual offender law, in part, contributes to the high incarceration rate because sentences enhanced by the law may be much longer than sentences not enhanced by the law. According to DOC data, 15,235 of the 344,366 (4.4%) cases

⁸ Any person convicted of a sex crime, second-conviction violent crime, or as a habitual offender for a sex or violent crime is automatically ineligible for good time. Offenders sentenced to life imprisonment may earn good time that can be applied at such time as the offender’s sentence is commuted to a specific number of years.

⁹ Previous convictions may have been for violent crimes.

for offenders in our scope were habitual offender cases.¹⁰ Out of these cases, however, only 22.5% (3,434 of 15,235) included violent crime convictions. This means that 77.5% (11,801 of 15,235) of habitual offender cases were for nonviolent offenses.

Some states have incorporated reforms targeting sentencing enhancements and habitual offender laws, including Kentucky and North Carolina. In 2011, Kentucky passed a reform package bill that included a provision to eliminate sentencing enhancements for second and subsequent drug possession offenses and prohibit the use of the persistent felony offender statute when a defendant is charged with felony drug possession. In 2011, North Carolina modified the habitual offender law by introducing graduated sentencing enhancements to make sentences more proportional to the severity of the underlying conviction. As a result of these and other reforms, North Carolina has experienced an eight percent drop in its prison population, and the percentage of individuals entering prison has dropped by 21 percent. In addition, in fiscal year 2014, the state saved \$48 million and closed 10 prisons.

Additional sentencing reforms could reduce Louisiana's incarceration rate by directing nonviolent offenders to probation or community programming instead of prison. As stated previously, 58.6% of offenders in Louisiana were incarcerated for only nonviolent offenses. Other states, including Alabama, Arkansas, Mississippi, and South Carolina that also have a high percentage of nonviolent offenders, have recently implemented reforms to allow for the use of probation or community programs instead of incarceration for the sentencing of certain nonviolent offenses. In Alabama, this reform was incorporated by adding a new class into the penalty classification system that targets low-level, nonviolent offenses. For example, low-level property offenses, like Theft of Property in the Third Degree, and drug offenses, like possession of a controlled substance,¹¹ are now both considered a Class D felony; the penalty requires judges to sentence offenders to a community program where available or probation for a period of two years. In Mississippi, legislation expanded judicial discretion to order drug court or non-adjudicated probation for all drug offenders except traffickers.

Introducing the ability to sentence offenders in Louisiana directly to probation or community programming for low-level, nonviolent offenses would result in a cost savings to the state as offenders would be diverted from incarceration to probation, which is less expensive. For example, using DOC data we identified 4,065 offenders convicted of Schedule IV drug possession from fiscal years 2009 to 2015. According to the data, this crime carries a median sentence of three years. If sentenced to probation for two years instead of incarceration for the median sentence, the cost savings for these offenders would be between approximately \$101 and \$232 million depending on whether they were housed in a state or local facility. Exhibit 5 on the following page illustrates the potential cost savings for the 4,065 offenders.

¹⁰ These 15,235 (4.4%) cases, which include cases prior to fiscal year 2009, represent 10% of all offenders, as many offenders have multiple cases in their history.

¹¹ Unlawful Possession in Alabama covers the possession of controlled substances in all drug schedules I-V except for marijuana.

Exhibit 5	
Probation Cost Savings for 4,065 Offenders Convicted of Possession of Schedule IV Drug	
Fiscal Years 2009-2015	
In State Facility	
Incarceration for three-year median sentence ¹²	\$239,592,695.51
Probation for two years	7,661,264.85
Cost savings	\$231,931,430.66
In Local Facility	
Incarceration for three-year median sentence	\$108,638,517.26
Probation for two years	7,661,264.85
Cost savings	\$100,977,252.41
Prepared by legislative auditor’s staff using budget information and unaudited data from the Corrections and Justice Unified Network (CAJUN) database.	

Matter for Legislative Consideration 3: The Legislature may wish to evaluate the effects mandatory minimum sentences have on Louisiana’s incarceration rate and consider reducing the number of mandatory minimum sentences for some nonviolent offenses.

Matter for Legislative Consideration 4: The Legislature may wish to evaluate the effects the habitual offender law has on Louisiana’s incarceration rate and consider narrowing its use to exclude some nonviolent offenders.

Matter for Legislative Consideration 5: The Legislature may wish to evaluate how sentences for nonviolent offenders affect Louisiana’s incarceration rate and consider including provisions that require sentencing of certain nonviolent offenders to probation or community programming in lieu of incarceration.

Expanding rehabilitation programs in local facilities that are effective at decreasing recidivism would help reduce the incarceration rate. Although local jails house more nonviolent offenders, they have fewer rehabilitation programs and higher recidivism rates than state facilities.

Using DOC data, we found that of the 55,605 offenders incarcerated on average each year during fiscal years 2009 to 2015,¹³ more than half (29,936 or 53.8%) were incarcerated in a local jail. In addition, from fiscal year 2009 to 2015, the average total sentence for offenders in local facilities was

<p>Louisiana houses more offenders in local facilities than any other state. According to the Bureau of Justice Statistics, Louisiana housed 50.8% of state offenders in local facilities. Kentucky was the next highest at 41.4%.</p>
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¹² This example assumes these offenders served their full sentence.

¹³ Fiscal year 2015 is only through May 15, 2015.

approximately five years, which means offenders in local jails are released more frequently than offenders in state facilities where the average sentence is approximately 11 years.¹⁴ DOC estimates that 14,500 (80.6%) of the 18,000 discharges every year are from local jails.

Currently, DOC offers a variety of certified treatment and rehabilitation programs (CTRP) that eligible offenders can participate in to receive good time credit. These programs include basic education courses such as GED or high school equivalency classes, faith-based programs such as Bible and values courses, treatment programs for issues such as substance abuse, and job skills such as welding or automotive technology. According to the 2014 Government Efficiencies Management Support (GEMS) report,¹⁵ expanding CTRP programming could save approximately \$6.5 million per year. However, DOC does not require that all local facilities offer these programs. As a result, some local facilities may offer no programs, while others place heavy emphasis on rehabilitation programs, such as the Lafayette Parish Sheriff’s Office, which is also a certified substance abuse treatment provider. According to DOC, of the 105 local facilities that house state offenders, 46 (43.8%) offer no treatment programs. The lack of effective rehabilitation programs at local facilities may be one reason why local jails have higher recidivism rates than state facilities, as shown in Exhibit 6.

Exhibit 6 1, 3, and 5-Year Recidivism Rates for State Offenders Released from State Institutions and Local Jails		
Year	Local	State
	Recidivism Rate	Recidivism Rate
1 st Year	17.6%	15.5%
3 rd Year	37.1%	34.4%
5 th Year	44.9%	41.3%

Source: Prepared by legislative auditor’s staff using information from DOC’s 2015 Briefing Book. These rates are for offenders released in 2009 and the most current recidivism rates for the 5th year of release.

According to DOC, the primary reason local facilities do not offer these programs is lack of funding. In fiscal year 2015, local jails received approximately \$171.5 million, or 25% of DOC’s total budget. DOC pays local facilities \$24.39 per offender per day. According to the Louisiana Legislative Fiscal Office’s (LFO) survey of southern states,¹⁶ as of July 2014, the average per diem among states that used local jails was \$26.67 and ranged from a low of \$12.00 in Virginia to \$49.53 in Tennessee. This survey also reported that DOC spent only 1.2% on rehabilitation programs at both state and local facilities, which was the lowest among other southern states.¹⁷ To address these funding issues, DOC has used a mix of state and local funding to expand good time approved rehabilitation programs at local jails. DOC also has 20 transition specialists who serve 25 local facilities, teaching good time approved courses.¹⁸ Because of this, enrollment in CTRP courses in local facilities has increased by 944%, from

¹⁴ The average excludes life and death sentences.

¹⁵ The Division of Administration contracted with Alvarez and Marsal to research and recommend cost-savings strategies in state agencies. These recommendations were outlined in the GEMS report issued May 2014.

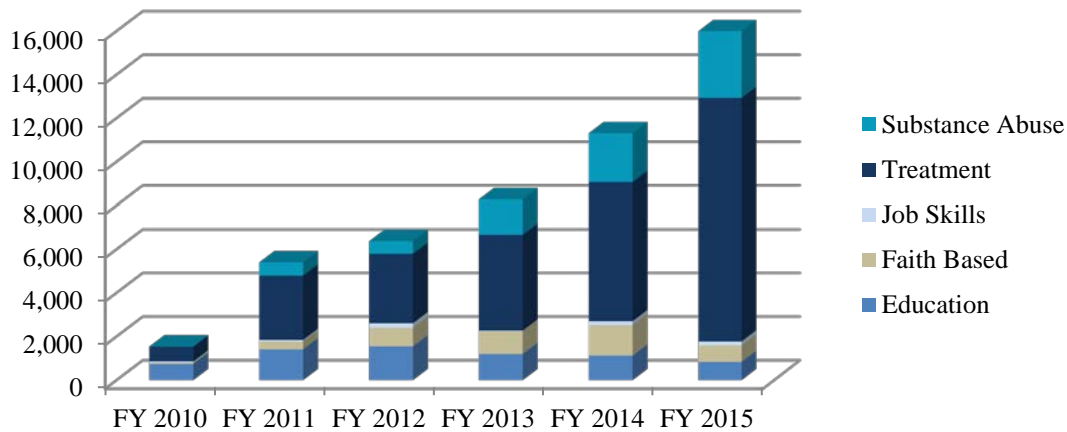
¹⁶ LFO, “Survey of Adult Correctional Systems: A Report Submitted to the Fiscal Affairs and Government Operations Committee,” 2014. LFO compiles this report every year based on a survey of other southern states.

¹⁷ Louisiana was the lowest among the southern states offering rehabilitative programs.

¹⁸ These transition specialists are funded by implementing recommendations from GEMS. These recommendations resulted in savings by expanding access to certified treatment rehabilitation programs, allowing more offenders to earn credits and be released earlier.

1,555 in fiscal year 2010 to 16,234 in fiscal year 2015. Exhibit 7 summarizes the number of participants by category of CTRP programs from fiscal years 2010 to 2015.

Exhibit 7
Participation in Rehabilitation Programs
Fiscal Years (FY) 2010 to 2015



Source: Prepared by legislative auditor’s staff using statistics from DOC.

DOC is also considering a graduated per diem structure where the per diem rate for local jail facilities would vary based on the availability of treatment and re-entry programs provided. Facilities offering no programming would receive a lower per diem rate than those facilities providing programming. The goal of this structure would be to increase re-entry services at the local level; however, this structure has not yet been established.

Although it may not be possible for local facilities to offer a wide array of treatment programs, it is important that the ones they do offer are effective. However, DOC does not measure recidivism by individual program which would help it determine effectiveness. Although DOC calculates recidivism for educational programming as a whole and for substance abuse treatment at its Blue Walters program,¹⁹ DOC does not currently measure recidivism for each individual rehabilitation program. Without this information, DOC cannot determine whether the programs it offers are working. In the absence of recidivism data, DOC could use evidence based programs to ensure that the programs it offers are effective. Programs are considered evidence based if they have been rigorously evaluated and these evaluations show that the program produces the expected positive results (such as reduced recidivism) that can be attributed to the program itself rather than to other extraneous factors. Some states require the use of evidence-based practices. For example, legislation in Kentucky mandates that 75% of expenditures for supervision and intervention programs be spent on evidence-based programs by 2016. Using Washington State Institute for Public Policy’s inventory of evidence-based programs for adult corrections,²⁰ we found that DOC currently offers two evidence-based

¹⁹ Blue Walters is a 90-day substance abuse treatment program at Richwood Correctional Facility in Monroe, Louisiana.

²⁰ Steve Aos, Marna Miller, and Elizabeth Drake. “Evidence-Based Adult Corrections Programs: What Works and What Does Not,” Washington State Institute for Public Policy, 2006.

cognitive behavioral programs (Moral Reconciliation Therapy and Thinking for a Change) at local facilities that have been proven to reduce recidivism by 8.2%. A total of 44 local facilities offered these treatment programs, but only 192 offenders participated in them in fiscal year 2015.

Even when local facilities offer rehabilitation programs, offenders often transfer frequently, which can disrupt participation. While some transfers are due to court appearances, substance abuse treatment, or medical issues, those housed in local facilities may be transferred to other facilities so that empty beds can be filled. Such transfers do not take an offender's rehabilitation needs into account, and offenders may be sent to a facility with little or no resources to meet their needs. For example, one offender was transferred 22 times in four years and often spent less than one month in a local facility before being transferred. Currently, local facilities have to notify DOC when offenders are transferred, but DOC does not have any criteria for when offenders should or should not be transferred between local facilities.

Recommendation 1: DOC should evaluate recidivism and/or other outcomes for each of its rehabilitation programs so that it can target its resources toward programs that are proven to work.

Summary of Management's Response: DOC agrees with this recommendation; however, the department noted an inherent difficulty in determining the effectiveness of individual programs in reducing recidivism as offenders often participate in multiple programs prior to release.

Recommendation 2: DOC should require that transfers between local facilities take into account an offender's participation in treatment programs.

Summary of Management's Response: DOC agrees with this recommendation and stated it currently takes participation in rehabilitation into consideration if information about the participation is entered into CAJUN, the department's data system, by transition specialists at the local level.

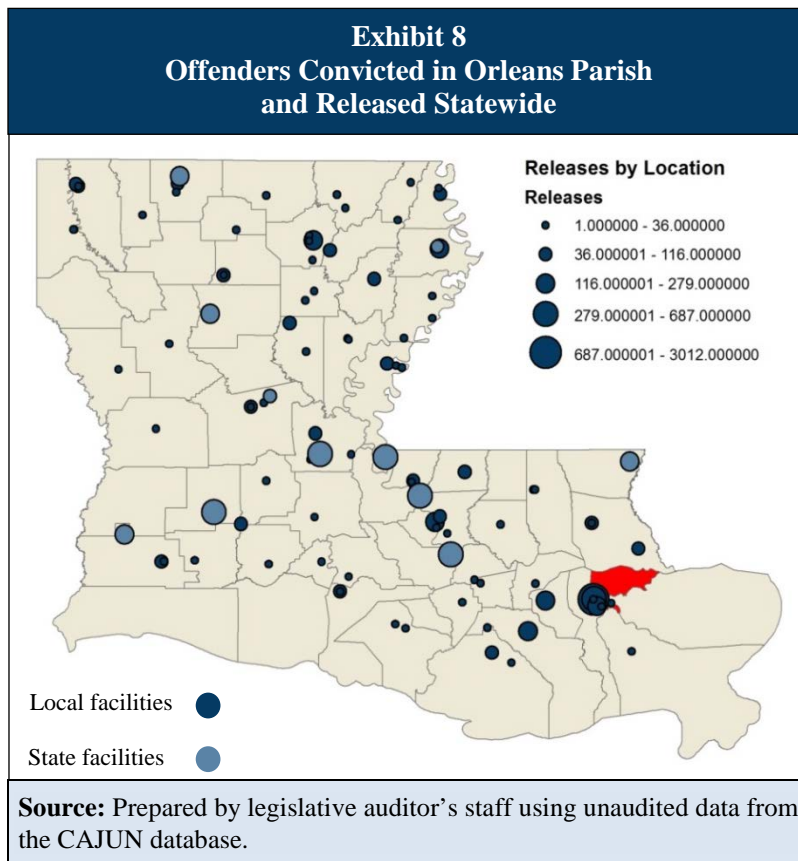
Matter for Legislative Consideration 6: The Legislature may wish to consider requiring that local facilities offer specific evidence-based programs.

Further expanding re-entry services at the local level to help offenders transition back into society would help reduce Louisiana's incarceration rate through decreased recidivism. Re-entry programs can reduce recidivism by 32% and save approximately \$14 million per year.

Re-entry programs assist offenders in transitioning back into society after incarceration and can lead to reduced recidivism. Once released, offenders are often placed back into the same social setting that may have contributed to their commission of a crime. To help with this transition, offenders can take a 100-hour re-entry program prior to release, which includes courses such as anger management, employment skills, job placement assistance, money

management, and problem solving. The re-entry program also assists offenders in procuring needed documents such as state identification cards and social security cards. According to the GEMS report, DOC re-entry programs are reducing recidivism by as much as 32%. However, as with rehabilitation programs, all state facilities offer re-entry programming but not all local facilities do. According to DOC data, only 40 (38.1%) of the 105 local facilities offer the 100-hour program.

Expanding re-entry to all local facilities is important since offenders are often released from facilities far from their homes. Offenders released from facilities with no re-entry program may not be linked with services, housing, or employment in their communities and may be more likely to recidivate. As offenders return to society, they can be faced with many environmental challenges like unemployment, poverty, substance abuse, and mental health issues. Linkage with resources in the offender’s community that address these issues is important in reducing recidivism and assisting offenders to become productive citizens. For example, an offender sentenced in Orleans Parish who intends to return there after release may be released from a facility in North Louisiana that does not offer re-entry programs. Once the offender returns to New Orleans, he may not be linked to local services to help him find employment or housing in the region. Exhibit 8 shows from where in the state all offenders convicted in Orleans Parish²¹ were released between fiscal years 2009 and 2015. Approximately 62.8% of releases were from local facilities, while 34.4% were from state facilities.²²



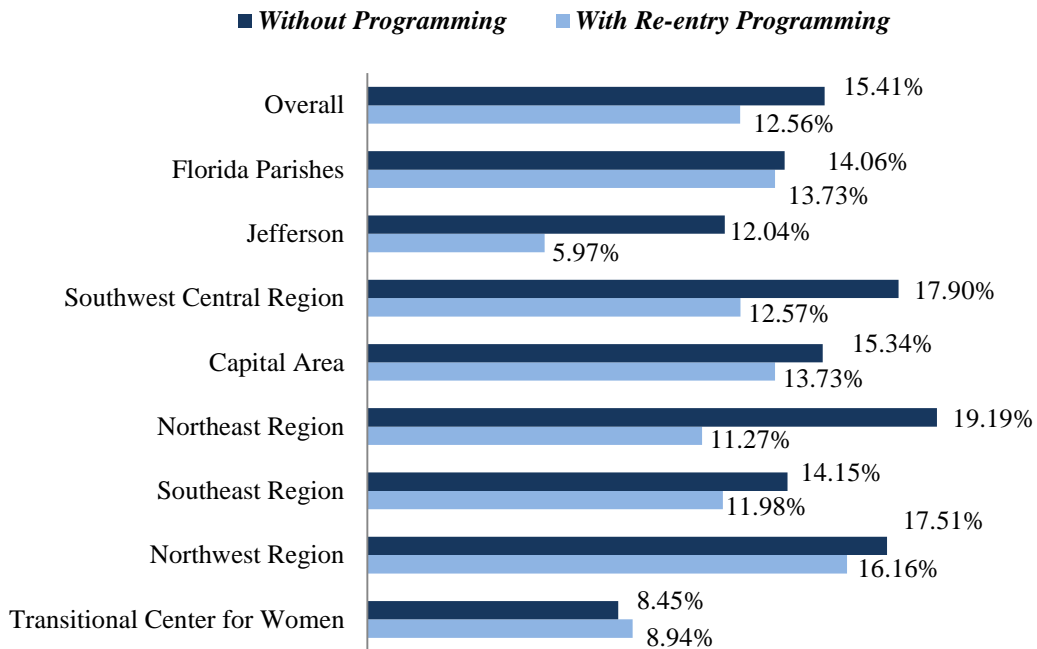
²¹ Orleans Parish has the largest number of convictions statewide.

²² The remaining 2.8% were released from other facilities including out-of-state facilities.

In an effort to expand re-entry resources at the local level and allow offenders to receive re-entry programming near their communities, DOC has opened nine regional re-entry centers where local offenders go to complete the 100-hour program. Each regional re-entry center can serve 600 offenders per year. However, while DOC has seen large growth in the number of offenders participating in the re-entry program since 2009, not all offenders are able to participate as an average of 14,500 offenders are released from local facilities each year. The GEMS report estimated that opening additional re-entry centers could save approximately \$14 million per year. According to the report, increasing investment in effective re-entry programs that reduce recidivism and result in cost savings not only provides an opportunity to reduce crime and improve public safety but also significantly reduces the prison population and the cost of re-incarceration.

DOC’s analysis of recidivism for offenders in re-entry programs found an overall reduction in recidivism for those who participated in the program versus those who did not. Overall, 12.5% of offenders with re-entry programming in fiscal year 2014 returned within one year versus 15.4% of offenders with no programming. Exhibit 9 shows recidivism by each re-entry center.

**Exhibit 9
One-Year Recidivism with Re-entry Programs Compared to No Programs
Fiscal Year 2014**



Source: Prepared by legislative auditor’s staff using data from DOC.

DOC's use of a risk and needs assessment will help it prioritize offenders for the re-entry program and develop individualized re-entry plans for those offenders most likely to re-offend. According to the National Conference of State Legislatures,²³ risk and needs assessments help identify appropriate programs, treatments, and services, which enables states to target corrections resources more effectively. North Carolina, South Carolina, and Georgia all use risk and needs assessments to develop and individualize supervision plans and re-entry conditions. In April 2015, DOC received a Justice Reinvestment Initiative grant to develop a risk and needs assessment tool based on evidence-based principles of “risk, need, and responsivity.” The risk assessment was created by Louisiana State University and is called the Targeted Intervention Gaining Enhanced Reentry (TIGER) instrument. DOC plans to use the risk assessment at various decision points to help determine appropriate interventions. According to DOC, the tool will provide objective, evidence-based recommendations and guide case planning. In addition to re-entry planning, this tool could ultimately be used by courts to inform sentencing decisions, by local jails to determine which rehabilitation programs offenders should take, and by probation and parole to provide information on appropriate supervision levels.

Recommendation 3: DOC should work with the Legislature to obtain the funding needed to expand re-entry programs at the local level.

Summary of Management's Response: DOC agrees with this recommendation and stated that despite reduction in staff it has continued in its efforts to expand re-entry programming at the local level through the expansion of re-entry centers, opening of day reporting centers, expansion of adult basic education programs, opening of a transitional work program for women, expansion of residential substance abuse treatment beds, and the use of federal Pell Grants to provide education classes at the local level.

Recommendation 4: Once the TIGER risk and needs assessment is finalized, DOC should use it to identify those offenders most likely to benefit from re-entry programs and ensure that those offenders are able to participate.

Summary of Management's Response: DOC agrees with this recommendation and stated the purpose of the TIGER tool is to target programming based on the individual needs of each offender. Additionally, the department is considering a policy change that would require that offenders complete an entire case plan prior to receiving early release credits to ensure offenders successfully participate in all TIGER recommended individualized programming.

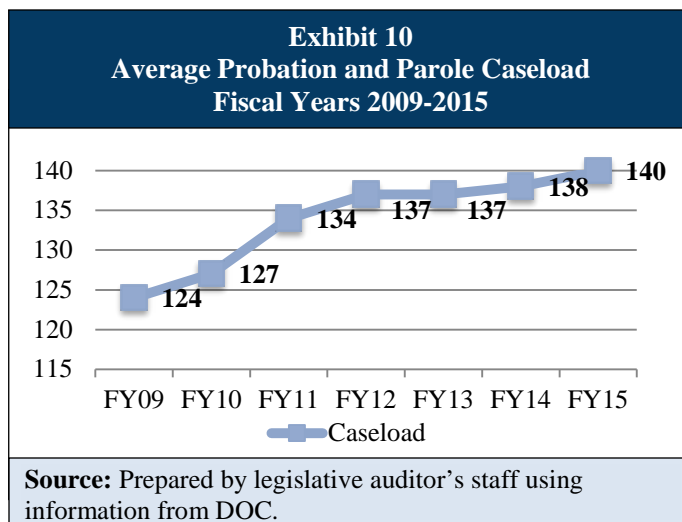
²³ National Conference of State Legislatures, “Principles of Effective State Sentencing and Corrections Policy,” August 2011.

Because reform efforts have resulted in more offenders on parole, the caseloads of probation and parole officers have increased by 12.9%. Expanding strategies to reduce the amount of supervision required for low-risk, nonviolent offenders could reduce the incarceration rate by focusing probation and parole resources on offenders most likely to re-offend.

In fiscal year 2015, DOC had 511 officers to supervise 71,917 offenders on probation and parole. Since 2009, average caseloads have increased by 12.9%, as shown in Exhibit 10. These increases are due to reforms that have increased the number of offenders released on parole and decreased parole revocations as discussed in the following paragraphs.

Since 2009, Louisiana has increased the number of offenders released on good time parole by 46.7%, from 25,063 in 2009 to 36,775 in 2015.

Offenders can be released early from prison on either traditional or good time parole. Traditional parole is a release prior to full sentence served for eligible offenses, which must be approved by the Louisiana Pardon and Parole Board’s Committee on Parole. Good time parole is a set rate of time that an eligible offender can earn for good behavior and self-improvement activities to reduce prison time. See Appendix H for an explanation of the differences between good time parole and traditional parole eligibility and how time is accrued for good time parole. In 2011 and 2012, Louisiana reformed good time and parole eligibility requirements and reduced the amount of time offenders have to be incarcerated prior to release, which increased the number of offenders eligible for early release and allowed eligible offenders to be released earlier. Exhibit 11 summarizes the number of offenders released on traditional and good time parole from fiscal year 2009 to 2015. As a result of the increase in releases to parole, more offenders are now being supervised in the community by DOC’s Probation and Parole.



A good time-eligible offender with a three-year sentence housed in a state facility with no disciplinary issues would automatically be released in 1.2 years or in 9.5 months if that offender took the maximum number of certified treatment rehabilitation program courses.



Source: Prepared by legislative auditor’s staff using unaudited data from the CAJUN database.

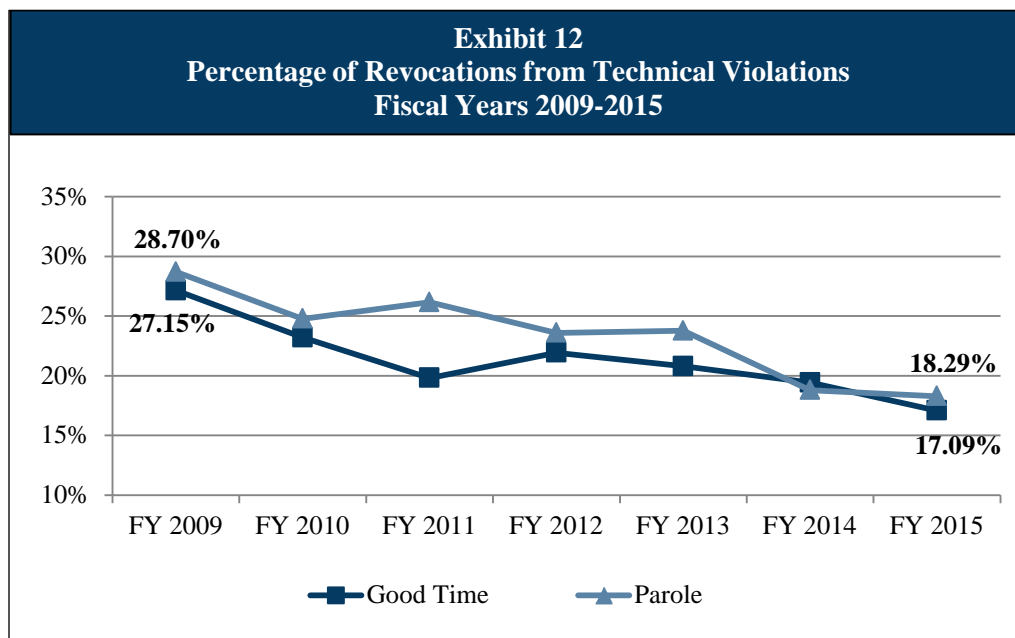
Additionally, fewer offenders have returned to prison because of technical violations. Since 2009, the number of parole revocations due to technical violations has decreased by 37.2% from 27.3% (1,211 of 4,435 revocations) in fiscal year 2009 to 17.1% (648 of 3,781) in fiscal year 2015.²⁴ Offenders released on parole are subject to certain conditions they must abide by for the duration of supervision and are monitored by DOC. Conditions include meeting court-required obligations such as paying child support, refraining from owning or possessing firearms, permitting visits from the parole officer, and paying fees. Offenders can have their parole status revoked because of a violation of any of these conditions – called a technical violation – or the commission of a new crime. In Louisiana, the Justice Reinvestment Initiative²⁵ found that 23.6% of 2009 prison admissions were because of technical violations of parole.

To address revocations, reforms were passed in Louisiana to allow probation and parole officers to use alternatives to re-incarceration, such as allowing DOC to sanction offenders administratively without returning to court for approval or reducing the amount of time offenders have to return to prison. For example, Act 402 of the 2007 Regular Legislative Session allowed offenders who violated parole conditions to spend up to 90 days in jail in lieu of revocation. According to an evaluation conducted by The Pew Charitable Trusts in 2014, this legislation resulted in the decreased use of approximately 2,034 jail and prison beds a year and saved taxpayers an average of \$17.76 million in annual corrections costs. Other reforms, such as the use of graduated sanctions and day reporting centers have also contributed to the decrease in revocations. Exhibit 12 illustrates how the number of revocations has decreased since 2009. While the decrease in revocations has contributed to lowering the state’s incarceration rate, it

²⁴ Our analysis of technical revocations does not include probation revocations because the CAJUN database does not accurately collect technical revocations for probation.

²⁵ Urban Institute and Bureau of Justice Assistance, “Justice Reinvestment Initiative State Assessment Report,” January 2014.

also means more offenders are under the supervision of DOC’s Probation and Parole, which increases its caseload.



Source: Prepared by legislative auditor’s staff using unaudited CAJUN data.

Expanding strategies to reduce supervision levels of low-risk offenders can decrease re-incarceration of offenders by reducing caseloads, allowing DOC to focus limited resources on high-risk offenders who are more likely to re-offend. However, DOC should determine if current efforts to reduce the supervision levels of low-risk offenders are effective. According to The Pew Charitable Trusts,²⁶ moderate- to high-risk offenders benefit the most from supervision while low-risk offenders often do worse under these conditions. In addition, low-risk offenders on probation and parole who are compliant with all conditions reduce the intensity of supervision of high-risk offenders who are more likely to benefit from supervision and programs. To address this issue, some states are implementing different options for supervising low-risk offenders including administrative supervision, risk-based supervision levels, early termination of supervision, and compliance credits. These options can reduce caseloads of probation and parole officers, reduce supervision costs, and reduce recidivism.

As of April 2016, Louisiana has 6,619 offenders on administrative supervision and 633 offenders on suspended probation or parole status. These offenders are not required to be seen in the field or to report to their district office as long as all conditions of supervision are met. However, DOC does not currently measure whether offenders on reduced supervision are able to complete supervision without committing a new crime or having their status revoked. This information would provide evidence that reduced supervision levels are effective and successful. Additionally, according to Pew, the use of a validated risk and needs assessment tool that measures the probability of an offender re-offending is a best practice of community corrections.

²⁶ Pew Center on the States’ Public Safety Performance Project, “Policy Framework to Strengthen Community Corrections,” December 2008.

As mentioned earlier, Louisiana has developed a risk and needs assessment tool (TIGER) that will help it implement risk-based supervision. According to DOC, TIGER is 133% better at predicting the likelihood of recidivism than is its current risk assessment tool (LARNA). DOC is in the process of finalizing the TIGER risk and needs assessment tool and will be moving to implement the tool soon.

Once TIGER is implemented and DOC demonstrates that reduced supervision levels are appropriate and successful, DOC could also pursue additional reforms that allow for early termination of parole or compliance credits for parole for low-risk offenders. For example, other states, like Arkansas and Mississippi, have implemented early termination of parole and/or compliance credits for parole in order to reduce the number of low-risk offenders who comply with parole conditions. Exhibit 13 summarizes the other options not currently used in Louisiana and examples from states that have used them.

Exhibit 13 Options for Supervising Low-risk Offenders		
Type	Description	State Examples
Early Termination	Courts have the discretion to grant early termination of a sentence if all requirements have been met, such as restitution paid in full.	Arkansas granted authority to its corrections department to discharge offenders at half of their community supervision term if they have complied with court-ordered requirements.
Compliance Credits	Provides offenders on supervision with a monthly credit if they comply with supervision requirements.	Mississippi allows offenders in supervision to earn time off their sentence by complying with court-ordered conditions.
Source: National Conference of State Legislatures, “Principles of Effective State Sentencing and Corrections Policy” and the Pew Charitable Trusts Public Safety Performance Project Issue Briefs.		

Recommendation 5: DOC should evaluate whether its current efforts regarding reduced supervision levels for low-risk offenders are effective. If these efforts demonstrate success, DOC should consider expanding the use of reduced supervision levels, including the feasibility of early termination of supervision.

Summary of Management’s Response: DOC agrees in part with this recommendation. The department stated that it agrees with the concept of reduced levels of supervision but is concerned about the potential negative impact to public safety that could result from the expansion of reduced supervision to medium-risk offenders. Additionally, the department stated that early termination of parole and good time supervision would require legislative changes.

LLA Additional Comments: Our recommendation is for DOC to consider expanding strategies for low-risk offenders only.

APPENDIX A: MANAGEMENT'S RESPONSE

Department of Public Safety & Corrections
State of Louisiana

JOHN BEL EDWARDS
GOVERNOR



JAMES M. LE BLANC
SECRETARY

August 2, 2016

Daryl G. Purpera, CPA, CFE, Legislative Auditor
Louisiana Legislative Auditor's Office
P.O. Box 94397
Baton Rouge, LA 70804-9397

Dear Mr. Purpera:

Thank you for allowing the Department of Public Safety and Corrections – Corrections Services to review and respond to the informational audit report evaluating strategies to reduce Louisiana's incarceration rate and costs for non-violent offenders. Enclosed you will find the completed checklist for audit recommendations. I'd also like to add the following comments:

Recommendation 1: Agree

Existing programs currently provided by the Department such as "Living in Balance" and the 100 hour pre-release curriculum have already been nationally validated. While the Department agrees with the recommendation to further evaluate, we would also like to note the inherent difficulty in determining the effectiveness of each individual program on reducing recidivism rates with certainty as offenders usually take multiple programs prior to releasing.

Recommendation 2: Agree

The Department agrees with this recommendation and currently takes this into consideration provided that the offender's treatment program participation information has been entered into CAJUN by the transition specialist at the local level.

Recommendation 3: Agree

The Department also agrees with this recommendation and would like to comment that we continue our attempts at expanding and further building upon reentry programs at the local level. Over the past three years and despite losing approximately 2,000 positions, the Department has invested in the expansion of reentry centers statewide to a total of nine (8 male centers and 1 female) in order to provide offenders with access to reentry programming that helps them better transition back into the community, which in turn reduces recidivism. The programs are designed to provide workforce readiness; life skills training; two forms of identification; a résumé, residence and employment planning; and connection with needed post-release community resources. The Department also opened a

total of eight day reporting centers (4 recently closed due to budget cuts), and deployed twenty transition specialists to twenty-eight local jails to offer rehabilitative programs such as Thinking for Change; Understanding and Reducing Angry Feelings; Louisiana Risk Management Model (Phases 1 and 2); Partners in Parenting; and the Standardized Pre-release Curriculum 2010. In addition, DOC has expanded adult basic education programs into thirteen local jails; opened a 500 bed transitional work program for females; expanded residential substance abuse treatment beds; and utilized federal Pell Grant funds to provide offenders housed at the local level with education classes.

Recommendation 4: Agree

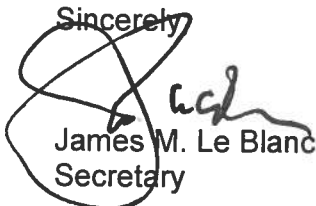
The Department agrees and notes that part of the overall purpose of TIGER is to ensure that the Department focuses programming on those offenders that need it and does not over program those that do not. Furthermore, the Department is also considering a policy change that would require an offender to complete his or her entire case plan prior to receiving CRT credits as a way of ensuring that offenders are receiving and completing their TIGER recommended individualized programming.

Recommendation 5: Agree in Part, Disagree in Part

The Department agrees in part and disagrees in part. Probation and Parole is an integral part of reducing our prison population and improving public safety, as 54% of the Department's intake is through Probation and Parole revocations. Public safety is our top priority, and while we agree in concept with reduced level of supervision, we are concerned about the potential negative impact to public safety that the expansion of reduced supervision levels could have. Probation and Parole currently moves low risk offenders to "administrative probation/parole" status which is a reduced self-reporting type of supervision. Expanding self-reporting and suspended status supervision levels and making medium level cases eligible for self-reporting poses public safety concerns. Furthermore, it is important to note that early termination of parole and good time supervision requires a statutory change via legislation. However, current law does allow for eligibility for early termination of probation after one year and the completion of all ordered special conditions.

I appreciate the efforts of you and your staff in conducting this informational audit and appreciate having the opportunity to discuss it further at an exit conference.

Sincerely,



James M. Le Blanc
Secretary

Enclosure



LOUISIANA DISTRICT ATTORNEYS ASSOCIATION

EXECUTIVE DIRECTOR
E. PETE ADAMS

July 20, 2016

Mr. Daryl G. Purpera, CPA, CFE
Louisiana Legislative Auditor
P.O. Box 94397
Baton Rouge, LA 70804-9397

Dear Mr. Purpera:

The following comments comprise the response of the LDAA to the report of the Legislative Auditor on "Strategies to Reduce Louisiana's Incarceration Rate."

Generally, we find the report to be thoughtful and the recommendations to be reasonable and worthy of serious consideration. However, we believe that the following points should be considered when considering the report, its findings, and its recommendations.

- **The Introduction:** The Report states that, for the period of 2009-2015, 58.6% of DOC offenders were incarcerated for non-violent offenses "only," meaning that, for these offenders, there were no "convictions" for violent crimes. LDAA Comments - Offenders are sentenced in consideration of their entire record. A long record of violent arrests may influence the decision to incarcerate an offender and the length of the offender's sentence. Additionally, more than 90% of convictions are the result of guilty pleas to reduced charges, many of which may include violent crimes.
- **Pre-Trial Diversion:** The Report states that requiring standardized reporting and collections of cost and recidivism rates for diversion programs would help Louisiana "expand programs that are working and the state could invest resources" in those that are working. LDAA Comments -The state contributes no funding or resources to pre-trial diversion programs. We do not anticipate any such funding or resources in the future. District Attorneys will discuss designating an entity to collect data on these programs. We do not believe that this is a matter for Legislative action.
- **Habitual Offender Laws:** The Report states that 77.5% of cases that were prosecuted under the Habitual Offender law were for non-violent offenses, and that habitual offender reforms caused significant reductions in the prison populations in some other states. LDAA Comments - See our comments above concerning the relevance of an offender's entire record in sentencing; please note that many states without these reforms experienced significant reductions in prison population over the past few years. Until very recently, crime rates have declined significantly across the nation. Some argue that, as has been the experience in California, the recent upsurge may be related to early release of offenders.

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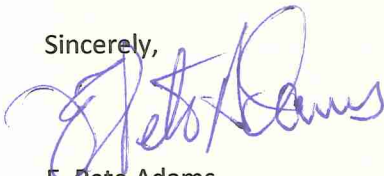
Mr. Daryl Purpera

July 20, 2016

- **Sentencing Non-Violent Offenders (1):** The Report states that the Legislature should consider reducing the number of mandatory minimums for some non-violent offenses. LDAA Comments - The LDAA participated and supported the effort to repeal most of Louisiana's mandatory minimum sentences for non-violent offenses in 2001. We generally support this policy, but reserve the right to oppose for some specific crimes.
- **Sentencing Non-Violent Offenders (2):** The Report states that the Legislature should consider providing that certain non-violent offenders be sentenced to probation or community programming, instead of incarceration. LDAA Comments - The report itself recognizes that probation supervision caseloads have risen dramatically. The budget of DOC has been and will likely continue to be reduced. No Legislative provision can mandate a "reinvestment" of savings toward these services. As we experienced in Juvenile Justice Reform, promises to increase services such as "community programming" or probation supervision are quickly forgotten in lean budget years. This recommendation seems reasonable on paper but, in reality, could pose a significant risk to public safety.

Conclusion: We commend the Legislative Auditor for this effort to evaluate these strategies and to develop recommendations toward solving these problems. As always, the LDAA will strive to be a constructive partner in addressing these important issues.

Sincerely,



E. Pete Adams
Executive Director

EPA:dkw

APPENDIX B: SCOPE AND METHODOLOGY

We conducted this evaluation under the provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended. This report generally covers fiscal years 2009 to 2015 (July 1, 2008, through May 15, 2015); however, some of our analyses, such as our offender history analysis, included data records prior to these fiscal years. The objective of this informational report was to evaluate potential strategies to reduce Louisiana's incarceration rate and costs for nonviolent offenders. To answer our informational objective, we performed the following steps:

- Researched and reviewed relevant state legal statutes, including the Louisiana Criminal Code and the Uniform Controlled Dangerous Substances Act. We created an index of crimes and penalties and identified statutes with mandatory minimum sentences. Our analysis uses statutes current as of the 2015 legislative session. We joined this index to Department of Corrections' (DOC) data; therefore, it is our best approximation of what crimes offenders were convicted of. However, as statutes change over time, older convictions may not be exact matches. We tried to factor in past statutory changes when possible, such as the Title 40 reorganization in 2006. We attempted to harmonize the DOC data and our legal index.
- Researched and reviewed published research, state reports, and best practices related to the criminal justice system, including drivers of incarceration nationally and in Louisiana, bail reform, pretrial intervention, and sentencing practices. Our research included the following:
 - Vera Institute for Justice
 - The Urban Institute
 - Pew Center on the States
 - American Bar Association
 - Pelican Institute
 - Brennan Center for Justice
- Interviewed a variety of criminal justice stakeholders involved with the Louisiana Justice Reinvestment Task Force, including judges, sheriffs, district attorneys, public defenders, DOC officials and staff, Louisiana Sentencing Commission members, the Louisiana Commission on Law Enforcement, research groups (such as the Pelican Institute), nonprofit community organizations, and advocacy groups. Based on these stakeholder interviews, we also:

- Visited districts identified as providing additional services to offenders, such as the Lafayette Sheriff's Office and Pointe Coupee Parish Sheriff's Office.
- Met with the Criminal Justice Coordinating Committee and the Picard Center in Lafayette to understand the role of data in their work.
- Visited Elayn Hunt Correctional Center to gain an understanding of the DOC intake and screening process.
- Met with the Baton Rouge District Attorney's Office to understand its pretrial intervention process.
- Met with Louisiana Supreme Court staff to discuss drug courts and other specialty courts in the state.
- Developed and conducted statewide surveys of judicial districts and district attorneys regarding pretrial intervention programs and specialty courts. Thirty-nine of 42 district attorneys responded to our survey regarding pretrial intervention, and we received a response from all 42 judicial districts regarding specialty courts. For those that did not respond to our survey, we attempted multiple contacts for a response. However, note that not all responses were complete.
- Obtained and analyzed DOC data from the Corrections and Justice Unified Network (CAJUN) database for all offenders either incarcerated during the period of July 1, 2008, through May 15, 2015, or on supervision (i.e. probation or parole) during that time period who were previously incarcerated. We conducted limited reliability testing on the data for consistency and reasonableness. We used DOC data to:
 - Create a criminal history record for each offender to determine the makeup of offenders' convictions for their entire criminal history. For example, we determined how many offenders had at least one violent conviction in their history.
 - Calculate the number of convictions per offense/statute, the sentence length per offense, and the total sentence length per case. Because both offenses and cases can be served concurrently or consecutively, we could not calculate the overall sentence per offender using DOC data. We also calculated the statewide median sentence per offense.
 - Determine how many offenders were housed in local and state facilities over the course of each fiscal year from 2009 to 2015.

We also determined the makeup of offenses for the offenders housed in local and state facilities and on community supervision.

- Determine revocation rates for offenders on probation, parole, and good time parole, and what percentage of revocations was due to technical violations.
- Determine how many offenders participated in a certified rehabilitation treatment program while incarcerated.
- Obtained and analyzed Public Defender Board data for all closed cases between fiscal years 2010 and 2015. We conducted limited reliability testing on the data involving consistency and reasonableness. We joined the Public Defender data to DOC data in order to compare initial charges at filing to those at conviction. Our join resulted in 23,904 cases (out of 953,481) that had a match in DOC data on offender name, docket, and district and also had valid statute entries. We also determined how many of these matches resulted in plea bargains, trials, or other outcomes using the Public Defender's case result code.

APPENDIX C: TOP 10 NONVIOLENT OFFENSES

Top 10 Nonviolent Offenses Fiscal Years 2009 - May 15, 2015			
Statute	Statute Title	Number of Offenders Convicted	Percent of Offenses
R.S. 40: 967 C2	Prohibited Acts - Schedule II Drug; penalties, Possession, Other Schedule II	23,947	13.60%
R.S. 14:62	Simple burglary	15,095	8.57%
R.S. 40: 967 B4b	Prohibited Acts - Schedule II Drug; penalties, Manufacture; Distribution: cocaine, oxycodone, or methadone	10,207	5.79%
R.S. 14:67	Theft (including Amended Amounts)	9,515	5.40%
R.S. 14:98	Operating a vehicle while intoxicated	8,248	4.68%
R.S. 40:966 B3	Penalty for drugs listed in Schedule I; Manufacture; Distribution, Schedule I (marijuana, tetrahydrocannabinols (or chemical derivatives), synthetic cannabinoids)	7,662	4.35%
R.S. 40:966 E2a	Penalty for drugs listed in Schedule I; Possession of marijuana or synthetic cannabinoids, Second Conviction	5,056	2.87%
R.S. 14:95.1	Possession of firearm or carry concealed weapon by person convicted of certain felonies	4,799	2.72%
R.S. 14:62.2	Simple burglary of an inhabited dwelling	4,699	2.67%
R.S. 40: 969 C2	Prohibited Acts - Schedule IV Drug; penalties, Possession	4,183	2.37%
Source: Prepared by legislative auditor's staff using unaudited data from the CAJUN database.			

APPENDIX D: CRIMINAL JUSTICE REFORMS

Criminal Justice Reforms 2011-2015			
Act	Year	Reform Impact Area	Description
Act 104	2011	Release and Supervision	Authorizes probation and parole officers to impose administrative sanctions for technical violations of parole and probation.
Act 153	2011	Release and Supervision	Mandates evidence-based practice training for Parole Board and Pardon Board members and requires the Department of Public Safety and Corrections (DPS&C) to conduct a risk and needs assessment on every parole-eligible offender for the parole board to use in making parole decisions.
Act 168	2011	Release and Supervision	Requires electronic monitoring and home incarceration service providers to report outcomes of home incarceration.
Act 186	2011	Release and Supervision	Simplified and consolidated the good time and earned credit statutes for nonviolent, non-sex offenders.
Act 285	2011	Release and Supervision	Made first-time nonviolent, non-sex offenders convicted of a felony eligible for parole after serving 25 percent of their sentence, down from 33 percent under the previous law.
Act 110	2012	Release and Supervision	Creates transparency in the earning of good time, setting the rate of time earned at one-and-a-half days for every day served.
Act 123	2012	Release and Supervision	Eliminated state risk review panels.
Act 158	2012	Release and Supervision	Prevents notification of administrative sanctions from being introduced as evidence.
Act 159	2012	Release and Supervision	Allows the parole board to consider second-time nonviolent, non-sex offenders after they have served 33 percent of their sentences.
Act 160	2012	Trial and Sentencing	Provides that mandatory minimums can be waived for certain nonviolent, non-sex crimes if the prosecutor, defense counsel, and judge agree.
Act 399	2012	Trial and Sentencing	Expands Louisiana's re-entry courts as a means to rehabilitate nonviolent, non-sex offenders.
Act 401	2012	Release and Supervision	Provides for parole eligibility for certain offenders sentenced to life imprisonment if certain conditions are met.
Act 714	2012	General	Merged the functions of the Boards of Pardon and Parole to save money and improve efficiency.
Act 152	2013	Release and Supervision	Provides relative to simple escape from a work release program.
Act 183	2013	Release and Supervision	Increases the total number of credits that may be earned by an offender for participation in certified treatment and rehabilitation programs.

Criminal Justice Reforms 2011-2015			
Act	Year	Reform Impact Area	Description
Act 347	2013	Trial and Sentencing	Provides for the use in the 22 nd Judicial District Court (JDC) of a validated risk/needs assessment tool at the pretrial stage.
Act 388	2013	Trial and Sentencing	Provides relative to the sentencing for third or subsequent Operating While Intoxicated conviction. Allows waiver of mandatory minimum sentence if accepted into drug division probation program.
Act 389	2013	Trial and Sentencing	Provides relative to sentencing and treatment of certain offenders convicted of certain violations of the Uniform Controlled Dangerous Substances Law.
Act 191	2014	Release and Supervision	Provides for intensive parole supervision for certain offenders sentenced as habitual offenders.
Act 2	2014	General	Repeals the statutory authorization for DPS&C to conduct certain pilot programs.
Act 327	2014	Trial and Sentencing	Authorizes the 1 st and 26 th JDCs to establish a re-entry division of court.
Act 337	2014	Trial and Sentencing	Amends eligibility requirements for participation in drug courts and provides relative to annual evaluations of drug courts.
Act 6	2014	Release and Supervision	Reduces the length of time certain applicants are required to wait before filing a subsequent application with the Board of Pardons.
Act 634	2014	Trial and Sentencing	Authorizes the waiver of minimum mandatory sentences pursuant to existing law for certain crimes of violence.
Act 7	2014	Trial and Sentencing	Authorizes the 15 th JDC to establish a re-entry division of court.
Act 199	2015	Trial and Sentencing	Extends the length of probation for defendants participating in drug court or sobriety court.
Act 295	2015	Trial and Sentencing	Amends certain criminal penalties for possession of marijuana.
Act 299	2015	Release and Supervision	Provides with respect to technical parole violations.
Act 79	2015	Trial and Sentencing	Authorizes the 25 th JDC to establish a re-entry division of court. Provides relative to re-entry courts.
HCR 82	2015	General	Creates the Louisiana Justice Reinvestment Task Force to develop certain sentencing and corrections policy recommendations.
Source: Created by legislative auditor’s staff using information from the Louisiana Legislature’s website.			

APPENDIX E: 2014 PRETRIAL INTERVENTION PROGRAMS BUDGETS AND PARTICIPANTS

**2014 Pretrial Intervention Program Budgets and Number Served,
by Judicial District (JDC)**

JDC	Parishes Served	Pretrial Intervention Budget	Number of Individuals Served
1 st	Caddo	\$187,631	1,188
2 nd	Claiborne, Jackson, Bienville	\$104,400	100
3 rd	Union, Lincoln	Did not respond to survey	Did not respond to survey
4 th	Morehouse, Ouachita	\$424,303	9,800
5 th	Franklin, Richland, West Carroll	Does not have pretrial intervention programs	Does not have pretrial intervention programs
6 th	Madison, East Carroll, Tensas	Did not provide	49
7 th	Catahoula, Concordia	\$150,000	1,650
8 th	Winn	\$58,000	350
9 th	Rapides	Did not provide	100
10 th	Natchitoches	Did not provide	103
11 th	Sabine	Did not respond to survey	Did not respond to survey
12 th	Avoyelles	Did not provide	300
13 th	Evangeline	\$100,000	846
14 th	Calcasieu	\$369,000	1,270
15 th	Acadia, Lafayette, Vermilion	Did not provide	638
16 th	Iberia, St. Martin, St. Mary	\$955,000	4,318
17 th	Lafourche	\$300,000	1,110
18 th	Iberville, West Baton Rouge, Pointe Coupee	\$0	132
19 th	East Baton Rouge	\$1,500,000	3,911
20 th	East Feliciana, West Feliciana	\$237,440	1,662
21 st	Livingston, Tangipahoa, St. Helena	Did not provide	350
22 nd	St. Tammany, Washington	Did not provide	795
23 rd	Assumption, Ascension, St. James	\$0	0
24 th	Jefferson	Did not provide	Did not provide

2014 Pretrial Intervention Program Budgets and Number Served, by Judicial District (JDC)			
JDC	Parishes Served	Pretrial Intervention Budget	Number of Individuals Served
25 th	Plaquemines	\$12,000	200
26 th	Bossier, Webster	Did not provide	Did not provide
27 th	St. Landry	Did not provide	Did not provide
28 th	LaSalle	\$15,000	198
29 th	St. Charles	\$517,000	2,025
30 th	Vernon	\$115,000	577
31 st	Jefferson Davis	\$50,000	250
32 nd	Terrebonne	\$1,000,000	2,326
33 rd	Allen	\$125,000	667
34 th	St. Bernard	\$0	0
35 th	Grant	Did not provide	233
36 th	Beauregard	\$45,000	101
37 th	Caldwell	Did not provide	6
38 th	Cameron	Did not provide	Did not provide
39 th	Red River	\$128,575	247
40 th	St. John the Baptist	Did not respond to survey	Did not respond to survey
Orleans	Orleans	Did not provide	355
42 nd	DeSoto	Does not have pretrial intervention programs	Does not have pretrial intervention programs

Source: Prepared by legislative auditor's staff using JDC's self-reported data.

APPENDIX F: 2014 SPECIALTY COURTS BUDGETS AND PARTICIPANTS

2014 Specialty Courts Budgets and Participants, by Judicial District (JDC)				
JDC	Parishes	Types of Courts Operated	Stated Budget	Stated Number of Participants for 2014
1 st	Caddo	Drug Court Veteran's Court	Drug Court: \$225,000 Veteran's Court: Unknown	Drug Court - 120 Veteran's Court - 6
2 nd	Claiborne	No Problem-Solving or Specialty Court		
	Jackson			
	Bienville			
3 rd	Union	Drug Court	\$265,000	Not reported
	Lincoln			
4 th	Morehouse	Drug Court DWI Court	Drug Court: \$450,000 DWI Court: Unknown	Specialty Courts - 108
	Ouachita			
5 th	Franklin	Drug Court	\$280,000	Not reported
	Richland			
	West Carroll			
6 th	Madison	No Problem-Solving or Specialty Court		
	East Carroll			
	Tensas			
7 th	Catahoula	No Problem-Solving or Specialty Court		
	Concordia			
8 th	Winn	No Problem-Solving or Specialty Court		
9 th	Rapides	Drug Court Adult Mental Health Court Domestic Violence Court Veteran's Court	Not reported	Unknown
10 th	Natchitoches	Drug Court	\$190,000	Not reported
11 th	Sabine	No Problem-Solving or Specialty Court		
12 th	Avoyelles	Drug Court	\$155,000	Not reported
13 th	Evangeline	No Problem-Solving or Specialty Court		
14 th	Calcasieu	Drug Court Adult Mental Health Court Family Court DWI Court Teen Court Veteran's Court	Drug Court - \$170,000 Adult Mental Health Court - \$180,000 DWI Court - \$75,000	Drug Court - 40 Adult Mental Health Court - 30 DWI Court - 20

2014 Specialty Courts Budgets and Participants, by Judicial District (JDC)				
JDC	Parishes	Types of Courts Operated	Stated Budget	Stated Number of Participants for 2014
15 th	Acadia	Drug Court Family Court DWI Court Re-entry Court Compliance Court for Probation	Drug Court - \$526,754 Family Court - \$186,326 DWI Court - \$85,032	Drug Court - 1,027 Not reported for others
	Lafayette			
	Vermilion			
16 th	Iberia	Drug Court	\$2,030,000	Not reported
	St. Martin			
	St. Mary			
17 th	Lafourche	Drug Court	\$506,000	Not reported
18 th	Iberville	Domestic Violence Court	\$15,000	Domestic Violence Court - 30
	West Baton Rouge			
	Pointe Coupee			
19 th	East Baton Rouge	Drug Court Re-entry Court	Drug Court - \$420,000 Re-entry - No Budget	Drug Court - 85 Re-entry - 3
20 th	East Feliciana	No Problem-Solving or Specialty Court		
	West Feliciana			
21 st	Livingston	Drug Court	\$635,000	Not reported
	Tangipahoa			
	St. Helena			
22 nd	St. Tammany	Drug Court Family Court Adult Mental Health Court DWI Court Re-entry Court	Drug Court - \$1,357,910 Family Court - \$66,448 Adult Mental Health - \$125,312 Re-entry Court - \$120,025 DWI Court - \$270,486	Drug Court - 471 Family Court - 14 Adult Mental Health Court - 49 Re-entry Court - 40+ DWI Court - 141
	Washington			
23 rd	Assumption	No Problem-Solving or Specialty Court		
	Ascension			
	St. James			
24 th	Jefferson	Drug Court DWI Court Re-entry Court Veteran's Court Compliance Court	Drug Court - \$1,100,000 DWI Court - \$225,000 Veteran's Court - \$93,000	Drug Court - 150 DWI Court - 43 Veteran's Court - 1 Compliance Court - 800
25 th	Plaquemines	Drug Court	\$130,000	Not reported
26 th	Bossier	Drug Court	\$295,000	Not reported
	Webster			
27 th	St. Landry	Drug Court	\$280,853	Not reported
28 th	LaSalle	No Problem-Solving or Specialty Court		
29 th	St. Charles	Drug Court	\$225,000	Not reported
30 th	Vernon	Drug Court Truancy Court	\$90,000	Drug Court - 14 Truancy Court - 100

2014 Specialty Courts Budgets and Participants, by Judicial District (JDC)				
JDC	Parishes	Types of Courts Operated	Stated Budget	Stated Number of Participants for 2014
31 st	Jefferson Davis	Truancy Court	Not reported	Truancy Court - 20
32 nd	Terrebonne	Drug Court DWI Court Compliance Court	Drug Court - \$600,000 DWI Court - \$200,000 Compliance Court - Not reported (Part of District Attorney's Office)	Drug Court - 51 new, 80 average DWI Court - 13 new, 27 average Compliance Court - 250
33 rd	Allen	No Problem-Solving or Specialty Court		
34 th	St. Bernard	Drug Court	\$110,000	Not reported
35 th	Grant	No Problem-Solving or Specialty Court		
36 th	Beauregard	Drug Court	\$115,000	Not reported
37 th	Caldwell	Drug Court	\$105,000	Not reported
38 th	Cameron	No Problem-Solving or Specialty Court		
39 th	Red River	No Problem-Solving or Specialty Court		
40 th	St. John the Baptist	Drug Court	\$275,000	Not reported
41 st	Orleans Criminal	Drug Court Mental Health Court Domestic Violence Court Re-entry Court Veteran's Court	Drug Court and Mental Health Court - \$2,200,000 Domestic Violence Court - \$341,891 Re-entry Court - Not reported Veteran's Court - Not reported	Drug Court - 380 Mental Health Court - 45 Domestic Violence Court - 256 Re-entry Court - 135 Veteran's Court - Not reported
42 nd	DeSoto	No Problem-Solving or Specialty Court		

Source: Prepared by legislative auditor's staff using JDCs' self-reported data.

APPENDIX G: FELONY CONVICTION OFFENSES WITH SENTENCE INFORMATION

Number of Felony Convictions by Offense during Fiscal Years 2009 - May 2015									
Statute	Statute Title	Total Number of Offenders	Percentage of Total Offenders	Sentence Modifier	Number of Offenders	Median Sentence (Years)	Mandatory Minimum Sentence (Years)	Minimum Sentence in Law (Years)	Maximum Sentence in Law (Years)
R.S. 40:967(C)(2)	Prohibited Acts - Schedule II Drug; penalties, Possession, Other Schedule II	23,947	13.62%	Unmodified statute	22,114	3.0	No	0.0	5.0
				Habitual Offender	1,093	5.0			
				Other*	740				
R.S. 14:62	Simple burglary	15,095	8.59%	Unmodified statute	13,728	5.0	No	0.0	12.0
				Habitual Offender	347	8.0			
				Other*	1,020				
R.S. 40:967(B)(4)(b)	Prohibited Acts - Schedule II Drug; penalties, Manufacture; Distribution: cocaine, oxycodone, or methadone	10,207	5.81%	Unmodified statute	8,849	5.0	Yes	2.0	30.0
				Habitual Offender	276	15.0			
				Other*	1,082				
R.S. 14:67	Theft (including Amended Amounts)	9,515	5.41%	Unmodified statute	5,383	3.0	No	0.0	20.0
				Theft – (Amended Amounts)	3,728	3.0	No	0.0	20.0
				Habitual Offender	154	5.0			
				Habitual Offender (Amended Amounts)	38	10.0			
				Other*	212				

Number of Felony Convictions by Offense during Fiscal Years 2009 - May 2015									
Statute	Statute Title	Total Number of Offenders	Percentage of Total Offenders	Sentence Modifier	Number of Offenders	Median Sentence (Years)	Mandatory Minimum Sentence (Years)	Minimum Sentence in Law (Years)	Maximum Sentence in Law (Years)
R.S. 14:98	Operating a vehicle while intoxicated	8,248	4.69%	Unmodified statute	8,236	3.0	Maybe	0.0	30.0
				Habitual Offender	8	6.0			
				Other*	4				
R.S. 40:966(B)(3)	Penalty for drugs listed in Schedule I; Manufacture; Distribution, Schedule I (marijuana, tetrahydrocannabinols (or chemical derivatives), synthetic canaboids)	7,662	4.36%	Unmodified statute	6,722	5.0	No	5.0	30.0
				Habitual Offender	79	15.0			
				Other*	861				
R.S. 40:966(E)(2)(a)	Penalty for drugs listed in Schedule I; Possession of marijuana or synthetic cannabinoids, Second Conviction	5,056	2.88%	Unmodified statute	5,056	3.0	No	0.0	5.0
R.S. 14:95.1	Possession of firearm or carry concealed weapon by person convicted of certain felonies	4,799	2.73%	Unmodified statute	2,433	10.0	Yes	10.0	20.0
				Habitual Offender	155	12.0			
				Other*	2,211				
R.S. 14:62.2	Simple burglary of an inhabited dwelling	4,699	2.67%	Unmodified statute	4,256	5.0	Yes	1.0	12.0
				Habitual Offender	180	10.0			
				Other*	263				
R.S. 40:969(C)(2)	Prohibited Acts - Schedule IV Drug; penalties, Possession	4,183	2.38%	Unmodified statute	4,065	3.0	No	0.0	5.0
				Habitual Offender	56	4.0			
				Other*	62				

Number of Felony Convictions by Offense during Fiscal Years 2009 - May 2015									
Statute	Statute Title	Total Number of Offenders	Percentage of Total Offenders	Sentence Modifier	Number of Offenders	Median Sentence (Years)	Mandatory Minimum Sentence (Years)	Minimum Sentence in Law (Years)	Maximum Sentence in Law (Years)
R.S. 14:69	Illegal possession of stolen things (including Amended Amounts)	3,536	2.01%	Unmodified statute	2,629	3.0	No	0.0	10.0
				Amended Amounts	801	3.0			
				Habitual Offender	68	5.0			
				Habitual Offender (Amended Amounts)	20	5.0			
				Other*	18				
R.S. 14:34.1(C)(2)	Second-degree battery	2,750	1.56%	Unmodified statute	2,669	3.0	Maybe	1.5	8.0
				Habitual Offender	78	5.0			
				Other*	3				
R.S. 14:72	Forgery	2,764	1.57%	Unmodified statute	2,654	3.6	No	0.0	10.0
				Habitual Offender	28	5.0			
				Other*	82				
R.S. 14:64	Armed robbery	2,561	1.46%	Unmodified statute	1,670	15.0	Yes	10.0	99.0
				Habitual Offender	96	66.0			
				Other*	795				
R.S. 40:966(C)(1)	Penalty for narcotic drugs listed in Schedule I; Possession	2,414	1.37%	Unmodified statute	2,025	5.0	No	4.0	10.0
				Habitual Offender	257	7.0			
				Other*	132				

Number of Felony Convictions by Offense during Fiscal Years 2009 - May 2015									
Statute	Statute Title	Total Number of Offenders	Percentage of Total Offenders	Sentence Modifier	Number of Offenders	Median Sentence (Years)	Mandatory Minimum Sentence (Years)	Minimum Sentence in Law (Years)	Maximum Sentence in Law (Years)
R.S. 14:62.3	Unauthorized entry of an inhabited dwelling	2,346	1.33%	Unmodified statute	2,072	3.0	No	0.0	6.0
				Habitual Offender	71	5.0			
				Other*	203				
R.S. 14:65	Simple robbery	2,296	1.31%	Unmodified statute	1,940	5.0	No	0.0	7.0
				Habitual Offender	82	7.0			
				Other*	274				
R.S. 14:402	Contraband defined; certain activities regarding contraband in penal institutions prohibited; penalty	2,291	1.30%	Unmodified statute	2,135	1.0	No	0.0	5.0
				Habitual Offender	50	3.3			
				Other*	106				
R.S. 14:68.4	Unauthorized use of a motor vehicle	2,243	1.28%	Unmodified statute	2,143	3.0	No	0.0	10.0
				Habitual Offender	71	6.0			
				Other*	29				
R.S. 14:34(B)(2)	Aggravated battery	2,097	1.19%	Unmodified statute	1,947	4.0	Maybe	1.0	10.0
				Habitual Offender	103	7.0			
				Other*	47				
R.S. 15:542.1.4	Registration of sex offenders and child predators	1,967	1.12%	Unmodified statute	1,652	2.0	Maybe	2.0	20.0
				Habitual Offender	30	5.0			
				Other*	285				

Number of Felony Convictions by Offense during Fiscal Years 2009 - May 2015									
Statute	Statute Title	Total Number of Offenders	Percentage of Total Offenders	Sentence Modifier	Number of Offenders	Median Sentence (Years)	Mandatory Minimum Sentence (Years)	Minimum Sentence in Law (Years)	Maximum Sentence in Law (Years)
R.S. 14:67.10	Theft of goods (including Amended Amounts)	1,800	1.02%	Unmodified statute	974	2.0	No	0.0	10.0
				Changed Amounts	633	2.0			
				Habitual Offender	136	2.5			
				Habitual Offender	34	4.0			
				Other*	23				
R.S. 14:81(H)(2)	Indecent behavior with juveniles	1,678	0.95%	Unmodified statute	1,611	5.0	Maybe	2.0	25.0
				Habitual Offender	14	11.3			
				Other*	53				
R.S. 14:108.1	Flight from an officer; aggravated flight from an officer	1,631	0.93%	Unmodified statute	1,521	2.0	No	0.0	0.5
				Habitual Offender	102	2.5			
				Other*	8				
R.S. 40:966(E)(1)	Penalty for drugs listed in Schedule I; Possession of marijuana or synthetic cannabinoids, First Conviction	1,616	0.92%	Unmodified statute	1,497	2.0	No	0.0	0.5
				Habitual Offender	62	5.0			
				Other*	57				
R.S. 14:56	Simple criminal damage to property	1,524	0.87%	Unmodified statute	1,487	2.0	No	0.0	10.0
				Habitual Offender	34	4.0			
				Other*	3				

Number of Felony Convictions by Offense during Fiscal Years 2009 - May 2015									
Statute	Statute Title	Total Number of Offenders	Percentage of Total Offenders	Sentence Modifier	Number of Offenders	Median Sentence (Years)	Mandatory Minimum Sentence (Years)	Minimum Sentence in Law (Years)	Maximum Sentence in Law (Years)
R.S. 40:983(C)	Creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance; definition; penalties	1,491	0.85%	Unmodified statute	1,311	5.0	No	5.0	15.0
				Habitual Offender	20	13.5			
				Other*	160				
R.S. 40:967(B)(5)	Prohibited Acts - Schedule II Drug; penalties, Manufacture; Distribution: Other Schedule II	1,339	0.76%	Unmodified statute	1,212	5.0	No	0.0	10.0
				Habitual Offender	15	15.0			
				Other*	112				
R.S. 14:31(B)(2)	Manslaughter	1,292	0.74%	Unmodified statute	1,009	20.0	Maybe	10.0	40.0
				Habitual Offender	57	40.0			
				Other*	226				
R.S. 14:30.1	Second-degree murder	1,253	0.71%	Unmodified statute	566	Life	Yes	Life	Life
				Habitual Offender	1	Life			
				Other*	686				
R.S. 40:967(B)(1)	Prohibited Acts - Schedule II Drug; penalties Manufacture; Distribution: amphetamine, methamphetamine, or narcotic drug, except cocaine	1,219	0.69%	Unmodified statute	1,060	5.0	No	2.0	30.0
				Habitual Offender	11	35.0			
				Other*	148				
R.S. 14:71	Issuing worthless checks (including Amended Amounts)	1,080	0.61%	Unmodified statute	1,021	2.5	No	0.0	10.0
				Amended Amounts	46	2.0			
				Habitual Offender	11	5.0			
				Other*	2				

Number of Felony Convictions by Offense during Fiscal Years 2009 - May 2015									
Statute	Statute Title	Total Number of Offenders	Percentage of Total Offenders	Sentence Modifier	Number of Offenders	Median Sentence (Years)	Mandatory Minimum Sentence (Years)	Minimum Sentence in Law (Years)	Maximum Sentence in Law (Years)
R.S. 14:80	Felony carnal knowledge of a juvenile	1,059	0.60%	Unmodified statute	1,041	5.0	Maybe	0.0	10.0
				Habitual Offender	8	8.0			
				Other*	10				
R.S. 40:968(C)	Prohibited Acts - Schedule III Drug; penalties, Possession	1,027	0.58%	Unmodified statute	1,001	3.0	No	0.0	5.0
				Habitual Offender	16	4.8			
				Other*	10				
R.S. 14:110	Simple escape; aggravated escape	1,006	0.57%	Unmodified statute	821	2.0	No	0.5	10.0
				Habitual Offender	36	3.2			
				Other*	149				
R.S. 40:1238.1	Sale, distribution, or possession of legend drug without prescription or order prohibited; exceptions; penalties	989	0.56%	Unmodified statute	951	3.0	No	0.0	5.0
				Habitual Offender	23	3.0			
				Other*	15				
R.S. 40:966(C)(3)	Penalty for non-narcotic drugs listed in Schedule I; Possession	987	0.56%	Unmodified statute	924	4.0	No	0.0	10.0
				Habitual Offender	17	6.3			
				Other*	46				
R.S. 14:94(C)	Illegal use of weapons or dangerous instrumentalities	986	0.56%	Unmodified statute	926	2.0	Maybe	5.0	7.0
				Habitual Offender	13	4.0			
				Other*	47				
R.S. 40:969(B)(2)	Prohibited Acts - Schedule IV Drug; penalties, Manufacture; Distribution	954	0.54%	Unmodified statute	853	5.0	No	0.0	10.0
				Habitual Offender	18	10.0			
				Other*	83				

Number of Felony Convictions by Offense during Fiscal Years 2009 - May 2015									
Statute	Statute Title	Total Number of Offenders	Percentage of Total Offenders	Sentence Modifier	Number of Offenders	Median Sentence (Years)	Mandatory Minimum Sentence (Years)	Minimum Sentence in Law (Years)	Maximum Sentence in Law (Years)
R.S. 14:35.3(C)	Domestic abuse battery	951	0.54%	Unmodified statute	926	2.0	Yes	2 days	0.5
				Habitual Offender	25	3.0			
R.S. 40:966(B)(4)(a)	Penalty for heroin drugs listed in Schedule I; Manufacture; Distribution	949	0.54%	Unmodified statute	813	10.0	Yes	10.0	50.0
				Habitual Offender	32	25.0			
				Other*	104				
R.S. 14:106(G)(1-3)	Obscenity	839	0.48%	Unmodified statute	798	2.0	No	0.5	5.0
				Habitual Offender	35	4.0			
				Other*	6				
R.S. 14:34.7(C)(2)	Aggravated second-degree battery	758	0.43%	Unmodified statute	717	5.0	Maybe	1.0	15.0
				Habitual Offender	13	19.0			
				Other*	28				
R.S. 14:72.2	Monetary instrument abuse	742	0.42%	Unmodified statute	700	3.0	No	0.5	10.0
				Habitual Offender	18	5.0			
				Other*	24				
R.S. 14:108.2	Resisting a police officer with force or violence	737	0.42%	Unmodified statute	705	2.0	No	1.0	3.0
				Habitual Offender	29	3.0			
				Other*	3				
R.S. 14:71.1	Bank fraud	722	0.41%	Unmodified statute	682	4.0	No	0.0	10.0
				Habitual Offender	15	5.0			
				Other*	25				

Number of Felony Convictions by Offense during Fiscal Years 2009 - May 2015									
Statute	Statute Title	Total Number of Offenders	Percentage of Total Offenders	Sentence Modifier	Number of Offenders	Median Sentence (Years)	Mandatory Minimum Sentence (Years)	Minimum Sentence in Law (Years)	Maximum Sentence in Law (Years)
R.S. 14:67.3	Unauthorized use of “access card” as theft; definitions	710	0.40%	Unmodified statute	689	3.0	No	0.0	20.0
				Habitual Offender	9	5.0			
				Other*	12				
RS 14:93	Cruelty to juveniles	707	0.40%	Unmodified statute	685	4.0	No	0.0	10.0
				Habitual Offender	9	8.0			
				Other*	13				
R.S. 14:43.1(C)(1)	Sexual battery	692	0.39%	Unmodified statute	612	8.0	Maybe	0.0	10.0
				Habitual Offender	29	15.0			
				Other*	51				
R.S. 14:60	Aggravated burglary	674	0.38%	Unmodified statute	591	8.0	No	1.0	30.0
				Habitual Offender	30	24.5			
				Other*	53				
R.S. 14:95(E)(1)	Illegal carrying of weapons	665	0.38%	Unmodified statute	496	5.0	Yes	5.0	10.0
				Habitual Offender	10	8.3			
				Other*	159				
R.S. 14:69.1	Illegal possession of stolen firearms	658	0.37%	Unmodified statute	631	3.0	No	1.0	10.0
				Habitual Offender	16	5.0			
				Other*	11				
R.S. 14:64.1	First-degree robbery	653	0.37%	Unmodified statute	546	7.0	Yes	3.0	40.0
				Habitual Offender	20	40.0			
				Other*	87				

Number of Felony Convictions by Offense during Fiscal Years 2009 - May 2015									
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R.S. 14:42.1	Forcible rape	636	0.36%	Unmodified statute	549	20.0	Yes	2.0	40.0
				Habitual Offender	28	40.0			
				Other*	59				
R.S. 14:95(D)	Illegal carrying of weapons	615	0.35%	Unmodified statute	484	5.0	Maybe	0.0	10.0
				Habitual Offender	10	8.5			
				Other*	121				
R.S. 14:130.1	Obstruction of justice	598	0.34%	Unmodified statute	550	5.0	No	0.0	40.0
				Habitual Offender	17	10.0			
				Other*	31				
R.S. 14:37.4	Aggravated assault with a firearm	595	0.34%	Unmodified statute	570	4.0	No	0.0	10.0
				Habitual Offender	12	7.5			
				Other*	13				
R.S. 40:971(B)(2)	Prohibited acts; all drug schedules	563	0.32%	Unmodified statute	431	3.0	No	0.0	5.0
				Habitual Offender	3	5.0			
				Other*	129				
R.S. 40:966(B)(2)	Penalty for distribution or possession with intent to distribute non-narcotic drugs listed in Schedule I; Manufacture; Distribution	558	0.32%	Unmodified statute	450	5.0	Yes	5.0	30.0
				Habitual Offender	9	30.0			
				Other*	99				
R.S. 14:64.3	Armed robbery; attempted armed robbery; use of firearm	517	0.29%	Unmodified statute	377	10.0	Yes	5.0	0.0
				Habitual Offender	13	60.0			
				Other*	127				

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R.S. 14:81.1(E)(1)(b)	Pornography involving juveniles	508	0.29%	Unmodified statute	464	5.0	Maybe	0.0	40.0
				Habitual Offender	5	20.0			
				Other*	39				
R.S. 14:81.2(B)(1-2)	Molestation of a juvenile or a person with a physical or mental disability	486	0.28%	Unmodified statute	461	10.0	Maybe	5.0	10.0
				Habitual Offender	10	22.5			
				Other*	15				
R.S. 40:971.1(C)	Prohibited acts; false representation	476	0.27%	Unmodified statute	379	5.0	No	0.0	5.0
				Habitual Offender	54	5.0			
				Other*	43				
R.S. 14:62.4	Unauthorized entry of a place of business	465	0.26%	Unmodified statute	395	3.0	No	0.0	6.0
				Habitual Offender	32	5.0			
				Other*	38				
R.S. 14:68	Unauthorized use of a movable	452	0.26%	Unmodified statute	441	3.0	No	0.0	5.0
				Habitual Offender	6	4.6			
				Other*	5				
R.S. 14:65.1	Purse snatching	446	0.25%	Unmodified statute	371	5.0	No	2.0	20.0
				Habitual Offender	28	10.0			
				Other*	47				
R.S. 14:67.26	Theft of a motor vehicle	442	0.25%	Unmodified statute	425	4.0	No	0.0	10.0
				Habitual Offender	12	5.0			
				Other*	5				

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R.S. 40:981.3(D)	Violation of Uniform Controlled Dangerous Substances Law; drug-free zone	412	0.23%	Unmodified statute	397	6.0	Maybe	0.0	0.0
				Habitual Offender	11	15.0			
				Other*	4				
R.S. 14:52	Simple arson	411	0.23%	Unmodified statute	375	5.0	No	0.0	15.0
				Habitual Offender	3	10.0			
				Other*	33				
R.S. 40:971	Prohibited acts; all drug schedules	400	0.23%	Unmodified statute	344	3.0	No	0.0	5.0
				Habitual Offender	5	3.0			
				Other*	51				
R.S. 14:55	Aggravated criminal damage to property	400	0.23%	Unmodified statute	380	4.0	No	1.0	15.0
				Habitual Offender	6	15.0			
				Other*	14				
R.S. 14:30	First-degree murder	392	0.22%	Unmodified statute	158	Life	Yes	Life	Life
				Other*	234				
R.S. 14:89.1(B)	Aggravated crime against nature	381	0.22%	Unmodified statute	343	15.0	Maybe	3.0	15.0
				Habitual Offender	19	35.0			
				Other*	19				
R.S. 14:32.1(B)(1)	Vehicular homicide	364	0.21%	Unmodified statute	360	10.0	Yes	3.0	30.0
				Habitual Offender	2	38.8			
				Other*	2				

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R.S. 40:967(B)(3)(a)	Prohibited Acts - Schedule II Drug; penalties, Manufacture; Distribution: amphetamine or methamphetamine	359	0.20%	Unmodified statute	192	10.0	Yes	10.0	30.0
				Habitual Offender	2	31.5			
				Other*	165				
R.S. 14:42	Aggravated rape	359	0.20%	Unmodified statute	262	Life	Yes	Life	Life
				Other*	97				
R.S. 14:34.2(B)(1)	Battery of a police officer	341	0.19%	Unmodified statute	321	1.0	Yes	15 days	0.5
				Habitual Offender	15	5.0			
				Other*	5				
R.S. 14:32(C)(2)	Negligent homicide	314	0.18%	Unmodified statute	305	5.0	Maybe	2.0	5.0
				Habitual Offender	7	10.0			
				Other*	2				
R.S. 40:968(B)	Prohibited Acts - Schedule III Drug; penalties, Manufacture; Distribution	308	0.18%	Unmodified statute	274	5.0	No	0.0	10.0
				Habitual Offender	9	15.0			
				Other*	25				
R.S. 14:34.5(B)(1)	Battery of a correctional facility employee	289	0.16%	Unmodified statute	274	1.0	Yes	15 days	0.5
				Habitual Offender	7	25.0			
				Other*	8				
R.S. 14:67.15(C)(1)	Theft of a firearm	280	0.16%	Unmodified statute	257	3.0	Yes	2.0	10.0
				Habitual Offender	3	15.0			
				Other*	20				

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R.S. 14:44.1	Second-degree kidnapping	261	0.15%	Unmodified statute	223	12.0	Yes	2.0	40.0
				Habitual Offender	12	44.8			
				Other*	26				
R.S. 14:67:16	Identity theft	252	0.14%	Unmodified statute	237	3.0	No	0.0	10.0
				Habitual Offender	5	6.7			
				Other*	10				
R.S. 14:64.4	Second-degree robbery	249	0.14%	Unmodified statute	214	7.8	No	3.0	40.0
				Habitual Offender	3	Life			
				Other*	32				
R.S. 14:39.2	First-degree vehicular negligent injuring	230	0.13%	Unmodified statute	222	5.0	No	0.0	5.0
				Habitual Offender	8	6.1			
R.S. 14:70.4	Access device fraud	224	0.13%	Unmodified statute	204	3.0	No	0.0	10.0
				Habitual Offender	14	5.0			
				Other*	6				
R.S. 14:62.8(B)(3)	Home invasion	223	0.13%	Unmodified statute	182	6.0	Maybe	10.0	25.0
				Habitual Offender	16	15.0			
				Other*	25				
R.S. 14:108	Resisting an officer	210	0.12%	Unmodified statute	205	1.0	No	0.0	0.5
				Habitual Offender	5	8.0			

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R.S. 14:35.3(L)	Domestic abuse battery	209	0.12%	Unmodified statute	205	3.0	No	0.0	3.0
				Habitual Offender	4	3.0			
R.S. 14:110.1	Jumping bail	203	0.12%	Unmodified statute	181	2.0	No	0.0	2.0
				Habitual Offender	21	4.0			
				Other*	1				
R.S. 40:966(C)(2)	Penalty for drugs listed in Schedule I; Possession phencyclidine	195	0.11%	Unmodified statute	183	4.0	No	5.0	20.0
				Habitual Offender	1	20.0			
				Other*	11				
R.S. 14:45	Simple kidnapping	190	0.11%	Unmodified statute	166	3.8	No	0.0	5.0
				Habitual Offender	9	7.0			
				Other*	15				
R.S. 40:1021	Drug paraphernalia	185	0.11%	Unmodified statute	185	1.0	No	0.0	5.00
R.S. 14:81.3(B)(1)(c)	Computer-aided solicitation of a minor	182	0.10%	Unmodified statute	150	2.0	Maybe	2.0	10.0
				Habitual Offender	2	7.5			
				Other*	30				
R.S. 14:62.1	Simple burglary of a pharmacy	169	0.10%	Unmodified statute	135	5.0	Yes	1.0	10.0
				Habitual Offender	3	8.0			
				Other*	31				

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R.S. 14:93.2.3	Second-degree cruelty to juveniles	154	0.09%	Unmodified statute	144	7.0	No	0.0	40.0
				Habitual Offender	6	22.5			
				Other*	4				
R.S. 14:100.13	Operating a vehicle without lawful presence in the United States	150	0.09%	Unmodified statute	150	0.5	No	0.0	1.0
R.S. 14:64.2	Carjacking	144	0.08%	Unmodified statute	113	5.0	Yes	2.0	20.0
				Habitual Offender	9	20.0			
				Other*	22				
R.S. 14:122	Public intimidation and retaliation	140	0.08%	Unmodified statute	131	2.0	No	0.0	5.0
				Habitual Offender	6	7.5			
				Other*	3				
R.S. 14:100	Hit-and-run driving	138	0.08%	Unmodified statute	134	5.0	No	0.0	10.0
				Habitual Offender	3	10.0			
				Other*	1				
R.S. 14:62.6	Simple burglary of a religious building	137	0.08%	Unmodified statute	128	5.0	Yes	2.0	12.0
				Habitual Offender	3	10.0			
				Other*	6				
R.S. 14:40.2(B)(2)(a)	Stalking	127	0.07%	Unmodified statute	122	1.5	Maybe	1.0	5.0
				Habitual Offender	4	2.8			
				Other*	1				

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R.S. 14:35	Simple battery	125	0.07%	Unmodified statute	124	0.5	No	0.0	0.5
				Other*	1				
R.S. 14:37.2	Aggravated assault upon peace officer with a firearm	123	0.07%	Unmodified statute	115	5.0	No	1.0	10.0
				Habitual Offender	6	8.5			
				Other*	2				
R.S. 14:92(C)	Contributing to the delinquency of juveniles	122	0.07%	Unmodified statute	118	2.0	No	0.0	0.5
				Habitual Offender	1	6.0			
				Other*	3				
R.S. 14:43.3(C)(1)	Oral sexual battery	119	0.07%	Unmodified statute	106	10.0	Maybe	0.0	10.0
				Habitual Offender	2	16.6			
				Other*	11				
R.S. 14:51	Aggravated arson	114	0.06%	Unmodified statute	76	6.0	Yes	2.0	20.0
				Habitual Offender	8	17.5			
				Other*	30				
R.S. 14:82	Prostitution; definition; penalties; enhancement	112	0.06%	Unmodified statute	110	2.0	No	0.0	50.0
				Habitual Offender	2	4.0			
R.S. 14:43	Simple rape	110	0.06%	Unmodified statute	92	10.0	Maybe	0.0	25.0
				Habitual Offender	1	Life			
				Other*	17				

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R.S. 14:37.1	Assault by drive-by shooting	107	0.06%	Unmodified statute	99	2.0	Yes	1.0	5.0
				Habitual Offender	1	Life			
				Other*	7				
R.S. 14:62.5(B)	Looting	107	0.06%	Unmodified statute	92	3.0	No	0.0	15.0
				Habitual Offender	5	10.0			
				Other*	10				
R.S. 14:129.1	Intimidating, impeding, or injuring witnesses; injuring officers; penalties	105	0.06%	Unmodified statute	103	3.5	No	0.0	40.0
				Habitual Offender	2	Over 100 years			
R.S. 15:1354	LA Racketeering Act	104	0.06%	Unmodified statute	102	8.5	Maybe	5.0	50.0
				Other*	2				
R.S. 14:93.4	Exploitation of persons with infirmities	97	0.06%	Unmodified statute	92	5.0	No	0.0	10.0
				Habitual Offender	3	20.0			
				Other*	2				
R.S. 40:1023	Drug paraphernalia	95	0.05%	Unmodified statute	92	1.0	No	0.0	5.0
				Habitual Offender	3	2.5			
R.S. 40:1041	Transactions involving proceeds from drug offenses	95	0.05%	Unmodified statute	93	5.0	No	0.0	10.0
				Other*	2				
R.S. 14:96	Aggravated obstruction of a highway of commerce	91	0.05%	Unmodified statute	83	5.0	No	0.0	15.0
				Habitual Offender	6	28.5			
				Other*	2				

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R.S. 14:46.1	False imprisonment; offender armed with dangerous weapon	91	0.05%	Unmodified statute	86	5.0	No	0.0	10.0
				Other*	5				
R.S. 40:967(B)(4)(a)	Prohibited Acts - Schedule II Drug; penalties, Manufacture; Distribution: cocaine, oxycodone, or methadone	90	0.05%	Unmodified statute	76	6.0	Yes	10.0	30.0
				Habitual Offender	3	5.0			
				Other*	11				
R.S. 14:25	Accessories after the fact	87	0.05%	Unmodified statute	83	2.5	No	0.0	5.0
				Habitual Offender	1	4.0			
				Other*	3				
R.S. 14:402.1	Taking of contraband to state-owned hospitals unlawful; penalty	87	0.05%	Unmodified statute	81	1.0	No	0.0	3.0
				Habitual Offender	2	4.0			
				Other*	4				
R.S. 14:93.3(E)(1)(b)	Cruelty to persons with infirmities	87	0.05%	Unmodified statute	82	5.0	Maybe	1.0	10.0
				Habitual Offender	2	11.5			
				Other*	3				
R.S. 14:34.6	Disarming a peace officer	81	0.05%	Unmodified statute	17	4.0	No	0.0	5.0
				Habitual Offender	2	14.5			
				Other*	62				
R.S. 14:37(C)	Aggravated assault	69	0.04%	Unmodified statute	67	1.0	Maybe	0.3	0.5
				Other*	2				

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R.S. 14:67.21	Theft of the assets of a person who is aged or person with a disability	68	0.04%	Unmodified statute	66	4.0	No	0.0	10.0
				Habitual Offender	1	5.0			
				Other*	1				
R.S. 14:133	Filing or maintaining false public records	64	0.04%	Unmodified statute	60	2.0	No	0.0	5.0
				Habitual Offender	1	2.5			
				Other*	3				
R.S. 14:92(D)	Contributing to the delinquency of juveniles	63	0.04%	Unmodified statute	63	2.0	No	0.0	2.0
R.S. 14:37.6	Aggravated assault with a motor vehicle upon a peace officer	62	0.04%	Unmodified statute	59	3.0	No	1.0	10.0
				Habitual Offender	3	6.7			
R.S. 14:220.1	Leased movables; obtaining by false representation; failure to return or surrender; penalties; restitution	61	0.03%	Unmodified statute	60	2.0	No	0.0	2.0
				Habitual Offender	1	3.0			
R.S. 14:89	Crimes against nature	61	0.03%	Unmodified statute	55	3.0	No	0.0	50.0
				Habitual Offender	4	3.8			
				Other*	2				
R.S. 14:95.7	Possession of or dealing in firearms with obliterated numbers or marks	59	0.03%	Unmodified statute	59	3.0	No	1.0	10.0
R.S. 14:37.7(C)	Domestic abuse aggravated assault	56	0.03%	Unmodified statute	55	3.0	No	1.0	5.0
				Other*	1				

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R.S. 40:970(C)	Prohibited Acts - Schedule V Drug; penalties, Possession	56	0.03%	Unmodified statute	54	4.0	No	0.0	5.0
				Other*	2				
R.S. 14:66	Extortion	56	0.03%	Unmodified statute	51	5.0	No	1.0	15.0
				Habitual Offender	1	12.0			
				Other*	4				
R.S. 14:40.1	Terrorizing	55	0.03%	Unmodified statute	52	4.0	No	0.0	15.0
				Other*	3				
R.S. 14:67.9	Theft of oil and gas equipment; penalties (including Amended Amounts)	53	0.03%	Unmodified statute	49	5.0	No	0.0	30.0
				Other*	4				
R.S. 14:132	Injuring public records	51	0.03%	Unmodified statute	49	2.0	No	0.0	5.0
				Habitual Offender	2	5.3			
R.S. 14:126.1	False swearing for the purpose of violating public health or safety	50	0.03%	Unmodified statute	43	2.0	No	1.0	5.0
				Habitual Offender	7	3.0			
R.S. 22:1924	Insurance fraud	49	0.03%	Unmodified statute	46	3.0	No	0.0	5.0
				Other*	3				
R.S. 40:967(F)(1)(a)	Prohibited Acts - Schedule II Drug; penalties, Other penalties for possession cocaine (base, mixture, or substance) 28g - < 200g	47	0.03%	Unmodified statute	40	9.0	Yes	5.0	30.0
				Habitual Offender	3	20.0			
				Other*	4				

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R.S. 14:95.2	Carrying a firearm or dangerous weapon by a student or nonstudent on school property, at school-sponsored functions, or in a firearm-free zone	46	0.03%	Unmodified statute	46	3.0	No	0.0	5.0
R.S. 14:102.1	Cruelty to animals; simple	43	0.02%	Unmodified statute	40	2.2	No	0.0	10.0
				Habitual Offender	1	5.0			
				Other*	2				
R.S. 14:44	Aggravated kidnapping	43	0.02%	Unmodified statute	32	Life	Yes	Life	Life
				Other*	11				
R.S. 14:79(B)(2)	Violation of protective orders	42	0.02%	Unmodified statute	41	0.5	Yes/Maybe	2 days	0.5
				Habitual Offender	1	4.0			
R.S. 14:202.1	Residential contractor fraud; penalties	41	0.02%	Unmodified statute	41	5.0	No	0.0	10.0
R.S. 14:283(B)(2)	Video voyeurism	41	0.02%	Unmodified statute	40	2.0	Maybe	0.5	3.0
				Other*	1				
R.S. 14:54.1	Communicating false information of planned arson	41	0.02%	Unmodified statute	41	3.0	No	0.0	20.0
R.S. 14:95.3	Unlawful use or possession of body armor	38	0.02%	Unmodified statute	37	2.0	No	0.0	2.0
				Habitual Offender	1	1.0			
R.S. 14:56.1	Criminal damage to coin-operated devices	38	0.02%	Unmodified statute	37	2.0	No	0.0	2.0
				Habitual Offender	1	1.5			

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R.S. 40:1792	Possession of unidentifiable firearm; particular penalties; identification of source of firearm	37	0.02%	Unmodified statute	31	5.0	Maybe	5.0	0.0
				Other*	6				
R.S. 14:67.24	Theft of utility property	36	0.02%	Unmodified statute	36	5.0	No	2.0	10.0
R.S. 14:134	Malfeasance in office	36	0.02%	Unmodified statute	36	3.0	No	0.0	5.0
C.C.P. 884	Sentences of fine with imprisonment for default	35	0.02%	Unmodified statute	35	1.0	No	0.0	1.0
R.S. 14:102.1(B)	Cruelty to animals; aggravated	35	0.02%	Unmodified statute	33	3.0			
				Other*	2				
R.S. 14:39.1	Vehicular negligent injuring	34	0.02%	Unmodified statute	34	2.0	No	0.0	0.5
R.S. 14:202	Contractors; misapplication of payments prohibited; penalty	34	0.02%	Unmodified statute	34	4.5	No	0.2	0.5
R.S. 40:1785	Possession or dealing in unregistered or illegally-transferred weapons	34	0.02%	Unmodified statute	34	2.8	No	1.0	10.0
R.S. 14:112.1	False personation of a peace officer or firefighter	33	0.02%	Unmodified statute	30	2.0	No	0.0	2.0
				Habitual Offender	3	Life			
R.S. 14:40.3	Cyberstalking	33	0.02%	Unmodified statute	33	1.0	No	0.0	5.0
R.S. 14:28	Inciting a felony	32	0.02%	Unmodified statute	32	2.0	No	0.0	2.0
R.S. 14:43.5	Intentional exposure to AIDS virus	31	0.02%	Unmodified statute	30	4.5	No	0.0	11.0
				Other*	1				

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R.S. 40:1788	Identification with number or other mark; obliteration or alteration of number or mark	31	0.02%	Unmodified statute	31	5.0	No	1.0	10.0
R.S. 40:1238.3	Obtaining legend drugs by misrepresentation or fraud; penalties	30	0.02%	Unmodified statute	25	3.0	No	0.0	5.0
				Habitual Offender	1	5.0			
				Other*	4				
R.S. 15:1403	Criminal street gangs and patterns of criminal street gang activity; prohibitions and criminal penalties	29	0.02%	Unmodified statute	28	5.0	No	1.0	0.0
				Habitual Offender	1	80.0			
R.S. 14:118	Public bribery	28	0.02%	Unmodified statute	22	3.5	No	0.0	5.0
				Habitual Offender	1	5.0			
				Other*	5				
R.S. 14:53	Arson with intent to defraud	26	0.01%	Unmodified statute	22	4.5	No	0.0	5.0
				Habitual Offender	1	10.0			
				Other*	3				
R.S. 14:91.5(C)(1)	Unlawful use of a social networking website	26	0.01%	Unmodified statute	25	1.0	Maybe	0.0	10.0
				Other*	1				
R.S. 14:123	Perjury	26	0.01%	Unmodified statute	26	5.0	No	5.0	40.0
R.S. 14:38	Simple assault	25	0.01%	Unmodified statute	25	1.0	No	0.0	0.2
R.S. 14:63	Criminal trespass	25	0.01%	Unmodified statute	25	0.5	No	0.0	0.5
R.S. 40:1025	Drug paraphernalia	24	0.01%	Unmodified statute	24	2.0	No	0.0	5.0

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R.S. 14:26	Criminal conspiracy	24	0.01%	Unmodified statute	21	4.0	Maybe	0.0	0.0
				Habitual Offender	1	5.0			
				Other*	2				
R.S. 14:285	Telephone communications; improper language; harassment	24	0.01%	Unmodified statute	24	1.0	No	0.0	2.0
R.S. 14:111	Assisting escape	24	0.01%	Unmodified statute	23	2.0	No	0.0	5.0
				Other*	1				
R.S. 14:93.5	Sexual battery of persons with infirmities	23	0.01%	Unmodified statute	23	6.0	No	0.0	10.0
R.S. 14:220	Rented or leased motor vehicles; obtaining false representation; failure to return; defenses	21	0.01%	Unmodified statute	21	2.0	No	0.0	5.0
R.S. 14:102.5	Dogfighting; training and possession of dogs for fighting	21	0.01%	Unmodified statute	21	5.0	No	1.0	10.0
R.S. 14:84	Pandering	21	0.01%	Unmodified statute	21	3.0	No	0.0	50.0
R.S. 40:970(B)	Prohibited Acts - Schedule V Drug; penalties, Manufacture; Distribution	21	0.01%	Unmodified statute	18	5.0	No	0.0	5.0
				Other*	3				
R.S. 14:94(E)	Illegal use of weapons or dangerous instrumentalities	20	0.01%	Unmodified statute	17	5.0	Yes	5.0	10.0
				Other*	3				
RS 14:230	Money laundering; transactions involving proceeds of criminal activity	20	0.01%	Unmodified statute	20	6.5	No	0.0	99.0

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R.S. 14:54.3	Manufacture and possession of a bomb	20	0.01%	Unmodified statute	18	4.0	No	0.0	20.0
				Other*	2				
R.S. 14:70.7	Unlawful production, manufacturing, distribution or possession of fraudulent documents for identification purposes	20	0.01%	Unmodified statute	19	1.0	No	0.0	3.0
				Habitual Offender	1	10.0			
R.S. 22:1925	Automobile insurance policies	19	0.01%	Unmodified statute	19	3.0	No	0.0	5.0
R.S. 14:75	Failure to pay child support obligation	18	0.01%	Unmodified statute	18	2.0	No	0.0	2.0
R.S. 14:404	Self-mutilation by a prisoner	18	0.01%	Unmodified statute	18	1.0	No	0.0	2.0
R.S. 14:94(F)(1)	Illegal use of weapons or dangerous instrumentalities	18	0.01%	Unmodified statute	12	10.0	Maybe	10.0	Life
				Habitual Offender	1	10.0			
				Other*	5				
R.S. 14:46	False imprisonment	17	0.01%	Unmodified statute	16	1.5	No	0.0	0.5
				Other*	1				
R.S. 14:43.2(C)(1)	Second-degree sexual battery	17	0.01%	Unmodified statute	15	12.0	Maybe	0.0	15.0
				Habitual Offender	2	Over 100 years			
R.S. 40:962.1	Ephedrine products	16	0.01%	Unmodified statute	14	2.0	No	0.0	0.5
				Other*	2				
R.S. 14:103	Disturbing the peace	16	0.01%	Unmodified statute	16	0.5	No	0.0	0.5
R.S. 14:91.2	Unlawful presence of a sex offender	16	0.01%	Unmodified statute	16	1.0	No	0.0	1.0

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R.S. 14:61	Unauthorized entry of critical infrastructure	15	0.01%	Unmodified statute	13	3.0	No	0.0	6.0
				Other*	2				
R.S. 14:39	Negligent injuring	15	0.01%	Unmodified statute	15	1.5	No	0.0	0.5
R.S. 14:28.1	Solicitation of murder	15	0.01%	Unmodified statute	13	10.0	No	5.0	20.0
				Other*	2				
R.S. 32:415	Operating vehicle while license is suspended; offenses in other states; record of offenses given other states	15	0.01%	Unmodified statute	15	0.5	Maybe	7 days	0.5
R.S. 40:981(C)	Distribution to persons under age 18	14	0.01%	Unmodified statute	14	3.0	Maybe	0.0	0.0
R.S. 14:67.28	Theft of copper or other metals; determination of value of copper or other metals taken	14	0.01%	Unmodified statute	11	5.0	No	0.0	10.0
				Habitual Offender	2	5.5			
				Other*	1				
R.S. 14:56.4	Criminal damage to property by defacing with graffiti	14	0.01%	Unmodified statute	14	2.0	No	0.0	10.0
R.S. 15:561.7	Failure to comply with provisions of supervised release	14	0.01%	Unmodified statute	13	2.0	Yes	2.0	20.0
				Other*	1				
R.S. 14:52.1	Simple arson of a religious building	13	0.01%	Unmodified statute	13	3.0	Yes	2.0	15.0

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R.S. 40:962.1.1	Possession of twelve grams or more of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, optical isomers, and salts of optical isomers	13	0.01%	Unmodified statute	13	2.0	No	0.0	2.0
R.S. 14:207	Motor vehicles, alteration or removal of identifying numbers prohibited, sale, etc.	13	0.01%	Unmodified statute	13	2.0	No	0.0	5.0
R.S. 14:68.2	Unauthorized use of supplemental nutrition assistance program benefits or supplemental nutrition assistance program benefit access devices	12	0.01%	Unmodified statute	12	4.0	No	0.5	10.0
R.S. 40:967(F)(1)(b)	Prohibited Acts - Schedule II Drug; penalties, other penalties for possession cocaine (base, mixture, or substance) 200g - < 400g	12	0.01%	Unmodified statute	12	10.0	Yes	10.0	30.0
R.S. 14:67.22	Fraudulent acquisition of a credit card	12	0.01%	Unmodified statute	12	4.0	No	0.0	10.0
R.S. 40:1041(E)	Transactions involving proceeds from drug offenses	11	0.01%	Unmodified statute	10	5.0	No	0.0	10.0
				Habitual Offender	1	Life	No		
R.S. 14:223.6	Rental or sale of improperly labeled articles prohibited	11	0.01%	Unmodified statute	11	2.5	No	0.0	5.0

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R.S. 14:46.2(B)(3)	Human trafficking	10	0.01%	Unmodified statute	9	5.0	Yes	5.0	25.0
				Other*	1				
R.S. 14:70.1	Medicaid fraud	10	0.01%	Unmodified statute	10	1.5	No	0.0	5.0
R.S. 22:44	False or fraudulent material information	10	0.01%	Unmodified statute	10	5.0	No	0.0	5.0
R.S. 14:70	False accounting	10	0.01%	Unmodified statute	8	3.0	No	0.0	0.5
				Habitual Offender	2	10.0	No	0.0	0.5
R.S. 40:979(B)	Attempt and conspiracy	10	0.01%	Unmodified statute	10	2.5	Yes	8.0	50.0
R.S. 14:59	Criminal mischief	10	0.01%	Unmodified statute	10	0.5	No	0.0	0.5
R.S. 14:54.6	Communicating false information of a planned bombing on school property, at a school-sponsored function, or in a firearm-free zone	9	0.01%	Unmodified statute	9	5.0	No	0.0	20.0
R.S. 30:2076.2(3)	Criminal penalties for violation of the Louisiana Pollutant Discharge Elimination System	9	0.01%	Unmodified statute	9	1.0	No	0.0	2.0
R.S. 40:967(F)(1)(C)	Prohibited Acts - Schedule II Drug; penalties other penalties for possession cocaine (base, mixture, or substance) = 400g	9	0.01%	Unmodified statute	7	8.0	Yes	15.0	30.0
				Other*	2				
R.S. 40:1781	Definitions (Weapons Registration)	9	0.01%	Unmodified statute	9	3.0	No	1.0	10.0

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R.S. 14:91.13	Illegal use of controlled dangerous substance in the presence of persons under seventeen	9	0.01%	Unmodified statute	8	1.7	No	0.0	0.5
				Habitual Offender	1	8.0			
R.S. 14:62.5(C)	Looting	9	0.01%	Unmodified statute	8	3.5	Yes	3.0	15.0
				Other*	1				
R.S. 14:80.1	Misdemeanor carnal knowledge of a juvenile	9	0.01%	Unmodified statute	9	0.5	No	0.0	0.5
R.S. 14:102.8	Injuring or killing of police animal	8	0.00%	Unmodified statute	4	3.0	No	1.0	7.0
				Other*	4				
R.S. 14:68.3	Unauthorized removal of motor vehicle; penalties	8	0.00%	Unmodified statute	8	3.0	No	0.0	0.5
R.S. 14:329.2	Inciting a riot	8	0.00%	Unmodified statute	8	4.0	No	0.0	21.0
R.S. 14:107.2	Hate crimes	8	0.00%	Unmodified statute	6	1.5	No	0.0	5.0
				Habitual Offender	2	3.8			
R.S. 14:82.1(D)(3)(a)	Prostitution; persons under eighteen; additional offenses	8	0.00%	Unmodified statute	8	0.5	Maybe	5.0	0.0
R.S. 46:114.2	Attempting or aiding to obtain assistance fraudulently; penalties	8	0.00%	Unmodified statute	1	3.0	No	0.0	20.0
	Fraud in obtaining assistance; withholding information concerning property, income or beneficiary, or personal circumstances		0.00%	Unmodified statute	7	2.0	No	0.0	20.0

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R.S. 14:110.2(B)(2)	Tampering with electronic monitoring	8	0.00%	Unmodified statute	7	1.0	Maybe	3 days	1.0
				Habitual Offender	1	1.0			
R.S. 14:83.2	Promoting prostitution	7	0.00%	Unmodified statute	6	2.0	No	0.0	50.0
				Habitual Offender	1	1.0			
R.S. 14:223.7	Counterfeiting or possessing counterfeit labels prohibited	7	0.00%	Unmodified statute	6	2.3	No	0.0	5.0
				Other*	1				
R.S. 14:57	Damage to property with intent to defraud	7	0.00%	Unmodified statute	7	3.0	No	0.0	4.0
R.S. 14:129(B)(2)(b)	Jury tampering	7	0.00%	Unmodified statute	4	5.0	Maybe	0.0	0.0
				Habitual Offender	2	9.5			
				Other*	1				
R.S. 14:67.11	Credit card fraud by persons authorized to provide goods and services	7	0.00%	Unmodified statute	6	3.0	No	0.0	15.0
				Other*	1				
R.S. 14:329.1	Riot	7	0.00%	Unmodified statute	7	3.0	No	0.0	21.0
R.S. 14:211	Sale of forest products; failure to remit payment to owner	6	0.00%	Unmodified statute	6	4.5	No	0.0	10.0
R.S. 14:44.2	Aggravated kidnapping of a child	6	0.00%	Unmodified statute	5	25.0	Yes	Life	Life
				Other*	1				
R.S. 14:56.5	Criminal damage to historic buildings or landmarks by defacing with graffiti	6	0.00%	Unmodified statute	6	1.1	No	0.0	2.0

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R.S. 14:32.6	First-degree feticide	6	0.00%	Unmodified statute	2	15.0	No	0.0	15.0
				Other*	4				
R.S. 14:229	Illegal use of counterfeit trademark; penalties	6	0.00%	Unmodified statute	5	2.0	No	0.0	5.0
				Habitual Offender	1	2.5			
R.S. 40:989(C)	Dangerous chemical substances; butyl nitrite, nitrous oxide, and amyl nitrite; use and transference; penalties	6	0.00%	Unmodified statute	5	5.0	No	0.0	0.5
				Other*	1				
R.S. 32:58	Careless operations	6	0.00%	Unmodified statute	6	0.5	No	0.0	0.0
R.S. 14:63.3	Entry or remaining in places or on land after being forbidden	6	0.00%	Unmodified statute	6	0.5	No	0.0	0.5
R.S. 14:73.5	Computer fraud	6	0.00%	Unmodified statute	6	4.0	No	0.0	5.0
R.S. 14:223.8	Possessing of tools and equipment used for manufacturing unauthorized sound recording prohibited	5	0.00%	Unmodified statute	5	2.0	No	0.0	5.0
R.S. 14:130	Jury misconduct	5	0.00%	Unmodified statute	4	2.3	No	0.0	0.5
				Other*	1				
R.S. 14:99	Reckless operation of a vehicle	5	0.00%	Unmodified statute	5	0.3	No	0.0	0.5
R.S. 14:50.2	Perpetration or attempted perpetration of certain crimes of violence against victim 65+	5	0.00%	Unmodified statute	5	3.0	No	0.0	0.0
R.S. 14:130.1(B)(1)	Obstruction of justice; Life or Death	5	0.00%	Unmodified statute	5	10.0	No	0.0	40.0

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R.S. 32:1310	Proper equipment required on vehicles; display of plate	5	0.00%	Unmodified statute	5	0.1	No	0.0	0.5
R.S. 14:130.1(B)(3)	Obstruction of justice, other	5	0.00%	Unmodified statute	5	5.0	No	0.0	5.0
R.S. 14:93.2.1(B)(2)	Child desertion	5	0.00%	Unmodified statute	5	0.5	Maybe	30 days	0.5
R.S. 14:112	False personation	5	0.00%	Unmodified statute	5	1.0	No	0.0	0.2
R.S. 32:732	Transfer and possession of stolen vehicles	5	0.00%	Unmodified statute	4	2.0	No	1.0	5.0
				Habitual Offender	1	5.0			
R.S. 14:106(G)(4)	Obscenity	5	0.00%	Unmodified statute	4	3.0	Yes	2.0	5.0
				Habitual Offender	1	9.0			
R.S. 14:131	Compounding a felony	5	0.00%	Unmodified statute	4	2.0	No	0.0	2.0
				Other*	1				
R.S. 32:61	Maximum speed limit	4	0.00%	Unmodified statute	4	0.1	No	0.0	0.0
R.S. 14:67.6	Theft of utility service; inference of commission of theft; penalties	4	0.00%	Unmodified statute	4	2.5	No	0.0	2.0
R.S. 47:9071	False or altered lottery tickets	4	0.00%	Unmodified statute	4	5.0	Yes	5.0	20.0
R.S. 14:95.6	Firearm-free zone; notice; signs; crime; penalties	4	0.00%	Unmodified statute	4	2.5	No	0.0	0.5
R.S. 14:67.25	Organized retail theft	4	0.00%	Unmodified statute	4	3.0	No	0.0	10.0
R.S. 14:67.4	Anti-skimming Act	4	0.00%	Unmodified statute	3	1.8	No	0.0	10.0
				Habitual Offender	1	4.0			

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R.S. 14:204	Fire-raising on land of another by criminal negligence; penalty	4	0.00%	Unmodified statute	4	2.5	No	0.0	0.1
R.S. 18:1461.2	Election offenses affecting registration and election fraud or forgery; penalties	4	0.00%	Unmodified statute	4	1.0	No	0.0	5.0
R.S. 14:67.18	Cheating and swindling	4	0.00%	Unmodified statute	4	3.0	No	0.0	10.0
R.S. 14:133.2	Misrepresentation during booking	4	0.00%	Unmodified statute	4	0.5	No	0.0	0.5
R.S. 14:100.1	Obstructing public passages	4	0.00%	Unmodified statute	4	0.5	No	0.0	0.5
R.S. 14:40.6	Unlawful disruption of the operation of a school	4	0.00%	Unmodified statute	4	1.3	No	1.0	5.0
R.S. 40:982	Second or subsequent Offense	4	0.00%	Unmodified statute	4	7.5	Maybe	0.0	0.0
R.S. 14:32.7	Second-degree feticide	4	0.00%	Unmodified statute	2	7.5	No	0.0	10.0
				Other*	2				
R.S. 14:32.8	Third-degree feticide	4	0.00%	Unmodified statute	4	5.0	No	0.0	5.0
R.S. 51:723	Registration of dealers, salesmen, and investment advisers and investment adviser representatives; surety bonds; records	4	0.00%	Unmodified statute	1	8.0	No	0.0	5.0
	Registration of securities; when and how required; delivery of prospectus			1	8.0	No	0.0	5.0	
	Unlawful practices			2	6.5	No	0.0	5.0	
R.S. 14:81.4	Prohibited sexual conduct between educator and student	3	0.00%	Unmodified statute	3	5.0	No	0.0	5.0

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R.S. 14:51.1	Injury by arson	3	0.00%	Unmodified statute	3	10.0	Yes	2.0	20.0
R.S. 14:74	Criminal neglect of family	3	0.00%	Unmodified statute	3	4.0	No	0.0	0.5
R.S. 14:134.1	Malfeasance in office; sexual conduct prohibited with persons in the custody and supervision of the Dept. of Public Safety and Corrections	3	0.00%	Unmodified statute	3	4.0	No	0.0	10.0
R.S. 32:79	Driving on roadway laned for traffic	3	0.00%	Unmodified statute	3	3.0	No	0.0	0.0
R.S. 14:92.1	Encouraging or contributing to child delinquency, dependency or neglect; penalty; suspension of sentence; definitions	3	0.00%	Unmodified statute	3	0.5	No	0.0	0.5
R.S. 23:1172.1	Willful misrepresentation by employer; aid or abet; criminal penalties; civil immunity	3	0.00%	Unmodified statute	3	2.0	No	1.0	10.0
R.S. 32:300	Possession of alcoholic beverages in motor vehicles	3	0.00%	Unmodified statute	3	0.5	No	0.0	0.0
R.S. 14:54.2	Manufacture and possession of delayed action incendiary devices; penalty	3	0.00%	Unmodified statute	3	8.0	No	0.0	20.0
R.S. 14:70.8	Illegal transmission of monetary funds	3	0.00%	Unmodified statute	3	5.0	No	0.0	10.0
R.S. 21:21	Fraud in obtaining accommodations; worthless checks and other fraudulent acts	3	0.00%	Unmodified statute	3	1.0	No	0.0	2.0

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R.S. 14:138	Public payroll fraud	3	0.00%	Unmodified statute	3	5.0	No	0.0	2.0
R.S. 14:40	Intimidation by officers	3	0.00%	Unmodified statute	3	2.0	No	0.0	0.5
R.S. 40:981.2(C)	Soliciting minors to produce, manufacture, distribute or dispense controlled dangerous substances, cocaine, oxycodone, heroin, methamphetamine, or methadone	3	0.00%	Unmodified statute	3	5.0	Yes	10.0	30.0
R.S. 14:62.7	Unauthorized entry of a dwelling during an emergency or disaster	3	0.00%	Unmodified statute	3	1.0	No	0.0	1.0
R.S. 14:86	Enticing persons into prostitution	3	0.00%	Unmodified statute	3	2.0	No	2.0	50.0
R.S. 32:402	All drivers must secure license; exception; emergency vehicle exception; military personnel exceptions; emergency command post vehicle exception; violations	3	0.00%	Unmodified statute	3	0.5	Maybe	7 days	0.5
R.S. 14:34.3	Battery of a school teacher	3	0.00%	Unmodified statute	3	3.0	Yes	3 days	1.0
R.S. 14:62.9	Simple burglary of a law enforcement or emergency vehicle	3	0.00%	Unmodified statute	3	5.0	No	0.0	20.0
R.S. 27:99	Prohibited act and gaming offenses	3	0.00%	Unmodified statute	3	1.0		0.0	0.0
R.S. 14:110.3	Tampering with surveillance accounting	3	0.00%	Unmodified statute	2	1.0	No	0.0	2.0
				Habitual Offender	1	1.0			

Number of Felony Convictions by Offense during Fiscal Years 2009 - May 2015									
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R.S. 14:125	False swearing	2	0.00%	Unmodified statute	2	1.0	No	0.0	1.0
R.S. 47:337.82	Criminal penalty for failing to account for local tax monies	2	0.00%	Unmodified statute	2	3.5	No	0.0	5.0
R.S. 14:43.1(C)(3)	Sexual battery	2	0.00%	Unmodified statute	2	9.0	Yes	25.0	99.0
R.S. 23:1208(C)(1)	Misrepresentations concerning benefit payments; penalty	2	0.00%	Unmodified statute	2	5.5	No	0.0	10.0
R.S. 14:93.12	Purchase and public possession of alcoholic beverages; penalties	2	0.00%	Unmodified statute	2	1.3	No	0.0	0.5
R.S. 14:35.1	Battery of a child welfare or APS worker	2	0.00%	Unmodified statute	2	2.0	Yes	3 days	0.5
R.S. 14:97	Simple obstruction of a highway of commerce	2	0.00%	Unmodified statute	2	6.0	No	0.0	0.5
RS 32:232	Traffic-control signals	2	0.00%	Unmodified statute	2	0.3	No	0.0	0.0
R.S. 14:27(D)(1)(a)	Attempt; penalties; attempt on peace officer; enhanced penalties	2	0.00%	Unmodified statute	1	1.0	Maybe	10.0	50.0
				Other*	1				
R.S. 14:79(C)(1)	Violation of protective orders	2	0.00%	Unmodified statute	2	4.0	Yes	14 days	0.5
R.S. 14:95.5	Possession of firearm on premises of alcoholic beverage outlet	2	0.00%	Unmodified statute	2	15.0	No	0.0	0.5
R.S. 14:46.3(D)(2)	Trafficking of children for sexual purposes	2	0.00%	Unmodified statute	1	8.0	Maybe	5.0	10.0
				Other*	1				
R.S. 14:38.2	Assault of a school teacher	2	0.00%	Unmodified statute	2	1.5	No	30 days	0.5
R.S. 14:120	Corrupt influencing	2	0.00%	Unmodified statute	2	5.0	No	0.0	10.0

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R.S. 40:966(B)(1)	Penalty for narcotic drugs listed in Schedule I; Manufacture; Distribution	2	0.00%	Unmodified statute	2	4.0	Yes	10.0	50.0
R.S. 14:286	Sale of minor children	2	0.00%	Unmodified statute	2	1.6	No	0.0	10.0
R.S. 14:128.1(B)(1)	Terrorism	2	0.00%	Unmodified statute	2	1.5	Maybe	4.0	Life
R.S. 14:67.20	Theft of a business record	2	0.00%	Unmodified statute	2	6.0	No	0.0	2.0
R.S. 14:73.8(C)	Unauthorized use of a wireless router system; pornography involving juveniles; penalty	2	0.00%	Unmodified statute	2	2.5	Yes	2.0	10.0
R.S. 14:70.2	Refund or access device application fraud	2	0.00%	Unmodified statute	2	3.0	No	0.0	10.0
R.S. 47:2607	Penalties: Marijuana and Controlled Dangerous Substances Tax Act	2	0.00%	Unmodified statute	2	1.0	No	0.0	5.0
R.S. 14:223	Sound reproductions without consent prohibited	2	0.00%	Unmodified statute	2	3.5	No	0.0	5.0
R.S. 14:68.1	Unauthorized removal of a shopping cart, basket or dairy case	2	0.00%	Unmodified statute	2	2.5	No	0.0	0.5
R.S. 14:37.7(D)	Domestic abuse aggravated assault	2	0.00%	Unmodified statute	2	5.0	Yes	2.0	5.0
R.S. 40:1752	Handling of machine guns, unlawful	2	0.00%	Unmodified statute	2	7.0	No	1.0	10.0
R.S. 14:47	Defamation	1	0.00%	Unmodified statute	1	2.0	No	0.0	0.5
R.S. 51:651.1	Possession, sale or use of certain fireworks prohibited	1	0.00%	Unmodified statute	1	0.5	No	0.0	2.0
R.S. 14:329.7	Punishment: Participation in a riot, inciting a riot, or failing to disperse	1	0.00%	Unmodified statute	1	2.0	No	0.0	21.0

Number of Felony Convictions by Offense during Fiscal Years 2009 - May 2015									
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R.S. 14:134.2	Malfeasance in office; tampering with evidence	1	0.00%	Unmodified statute	1	2.0	No	0.0	3.0
R.S. 14:126.2	False statements concerning denial of constitutional rights	1	0.00%	Unmodified statute	1	5.0	No	1.0	5.0
R.S. 14:134.3	Abuse of office	1	0.00%	Unmodified statute	1	3.0	No	1.0	5.0
R.S. 15:560.4	Electronic monitoring of sexually violent predators or child sexual predators	1	0.00%	Unmodified statute	1	2.0	Yes	2.0	20.0
R.S. 14:104	Keeping a disorderly place	1	0.00%	Unmodified statute	1	2.0	No	0.0	50.0
R.S. 14:35.2	Simple battery of persons with infirmities	1	0.00%	Unmodified statute	1	0.5	No	30 days	0.5
R.S. 40:981.1	Distribution to a student	1	0.00%	Unmodified statute	1	1.0	Maybe	0.0	0.0
R.S. 14:95.2.1	Illegal carrying of a firearm at a parade with any firearm used in the commission of a crime of violence	1	0.00%	Unmodified statute	1	5.0	No	1.0	5.0
R.S. 14:225(B)(2-3)	Institutional vandalism; greater than \$500	1	0.00%	Unmodified statute	1	1.0	No	0.0	10.0
R.S. 14:130.1(B)(2)	Obstruction of justice; Hard labor	1	0.00%	Unmodified statute	1	8.0	No	0.0	20.0
R.S. 14:67.19	Theft of anhydrous ammonia	1	0.00%	Unmodified statute	1	2.0	No	0.0	2.0
R.S. 14:63.4	Aiding and abetting others to enter or remain on premises where forbidden	1	0.00%	Unmodified statute	1	2.3	No	0.0	0.5
R.S. 14:513	Possession of loan shark records	1	0.00%	Unmodified statute	1	4.0	No	0.0	1.0
R.S. 14:95.1.1	Attempt or conspiracy	1	0.00%	Unmodified statute	1	1.0	Yes	1.0	2.5

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R.S. 14:38.1	Mingling harmful substances	1	0.00%	Unmodified statute	1	2.0	No	0.0	2.0
R.S. 14:222	Possession, manufacture, sale or transfer of devices for avoidance of payment for telecommunications services or related offenses	1	0.00%	Unmodified statute	1	2.0	No	0.0	1.0
R.S. 14:91.1	Unlawful presence of a sexually violent predator	1	0.00%	Unmodified statute	1	7.0	No	0.0	0.5
R.S. 14:91	Unlawful sale of weapons to minors	1	0.00%	Unmodified statute	1	0.5	No	0.0	0.5
R.S. 14:334	Ignition interlock device offenses	1	0.00%	Unmodified statute	1	0.5	No	0.0	0.5
R.S. 56:33	License; license books; returns; transfer of license prohibited	1	0.00%	Unmodified statute	1	10.0	No	0.0	0.3
R.S. 14:108.1(C)	Flight from an officer; aggravated flight from an officer	1	0.00%	Unmodified statute	1	2.0	No	0.0	10.0
R.S. 14:97.1	Solicitation on an interstate highway	1	0.00%	Unmodified statute	1	0.5	No	0.0	0.5
R.S. 14:67.8	Theft of oilfield geological survey, seismograph, and production maps; penalties	1	0.00%	Unmodified statute	1	1.0	No	1.0	10.0
R.S. 14:73.3	Offenses against computer equipment or supplies	1	0.00%	Unmodified statute	1	1.5	No	0.0	5.0
R.S. 14:122.1	Intimidation and interference in the operation of schools	1	0.00%	Unmodified statute	1	3.0	No	0.0	1.0
R.S. 14:218	Seafood sales and purchases; commercial license required for seller	1	0.00%	Unmodified statute	1	0.5	No	0.0	2.0

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R.S. 14:91.11	Sale, exhibition, or distribution of material harmful to minors	1	0.00%	Unmodified statute	1	1.0	No	0.0	1.0
R.S. 14:106.1	Habitual Offender	1	0.00%	Unmodified statute	1	1.5	No	0.5	3.0
R.S. 14:83.1	Inciting prostitution	1	0.00%	Unmodified statute	1	1.0	No	0.0	50.0
R.S. 8:654	Mutilating, disinterring human remains; penalty	1	0.00%	Unmodified statute	1	3.0	No	0.0	3.0
R.S. 14:313	Masks or hoods, wearing in public places prohibited; penalty	1	0.00%	Unmodified statute	1	2.0	No	0.5	3.0
R.S. 14:122.2	Threatening a public official; penalties; definitions	1	0.00%	Unmodified statute	1	0.5	No	0.0	0.5
R.S. 14:107	Vagrancy	1	0.00%	Unmodified statute	1	2.0	No	0.0	0.5
R.S. 40:1791	Penalty: Weapons Registration	1	0.00%	Unmodified statute	1	3.0	No	1.0	10.0
R.S. 14:76	Bigamy	1	0.00%	Unmodified statute	1	0.5	No	0.0	5.0
R.S. 14:105	Letting a disorderly place	1	0.00%	Unmodified statute	1	2.0	No	0.0	50.0
R.S. 22:1562	Prohibited Acts (Qualifications and Licensing)	1	0.00%	Unmodified statute	1	3.0	No	0.0	3.0
R.S. 14:101	Desecration of graves	1	0.00%	Unmodified statute	1	2.0	No	0.0	0.5
R.S. 30:2025	Enforcement: Environmental Quality	1	0.00%	Unmodified statute	1	1.0	No	0.0	10.0
R.S. 14:72.4	Disposal of property with fraudulent or malicious intent	1	0.00%	Unmodified statute	1	1.0	No	0.0	1.0
R.S. 14:67.7	Theft of petroleum products; penalties	1	0.00%	Unmodified statute	1	2.0	No	1.0	10.0

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R.S. 30:2418	Waste Tires	1	0.00%	Unmodified statute	1	2.0	No	0.0	10.0
R.S. 14:403.2	Abuse and neglect of adults	1	0.00%	Unmodified statute	1	3.0	No	0.0	0.5
R.S. 14:140	Public contract fraud	1	0.00%	Unmodified statute	1	2.0	No	0.0	2.0
R.S. 8:652	Unlawful disposal of remains	1	0.00%	Unmodified statute	1	3.0	No	0.0	3.0
R.S. 14:89.2(B)(3)(b)	Crime against nature by solicitation	1	0.00%	Unmodified statute	1	5.0	Maybe	25.0	50.0
R.S. 14:327	Obstructing a fireman	1	0.00%	Unmodified statute	1	2.0	No	0.5	35.0
R.S. 30:2183	Hazardous Waste Control Law	1	0.00%	Unmodified statute	1	5.0	No	0.0	15.0
R.S. 14:54.5	Fake explosive devices	1	0.00%	Unmodified statute	1	3.0	No	0.0	5.0
*Other includes accessory, attempt, and conspiracy, all which may reduce the overall sentence given. Source: Prepared by legislative auditor’s staff using data from the CAJUN database.									

APPENDIX H: DIFFERENCE BETWEEN TRADITIONAL PAROLE AND GOOD TIME PAROLE

Comparison of Good Time and Traditional Parole

	Good Time Parole		Traditional Parole
Eligibility	Any person convicted of a sex crime, second-conviction violent crime, or as a habitual offender for a sex or violent crime is automatically ineligible. Offenders sentenced to life imprisonment may earn good time that can be applied at such time as the offender's sentence is commuted to a specific number of years.		For the reduced percentages associated with 1 st and 2 nd nonviolent convictions the individual must also not be convicted of a sex crime or as a habitual offender.
Release Determinations	Good time parole is accrued and subtracted from the sentence length. No parole hearings are required for release.		An offender is deemed eligible for parole at a certain percentage of the sentence served. Release determinations made through parole hearings.
Type of Conviction	Good Time Accrual in State Prison	Good Time Accrual in Parish Prison	Traditional Parole
1 st Conviction - Nonviolent	1.5 day for 1 day served	30 days for 30 days served	25% sentence served
2 nd Conviction - Nonviolent	1.5 day for 1 day served	30 days for 30 days served	33.3% sentence served
1 st Conviction - Violent	3 days for 17 days served	3 days for 17 days served	33.3% sentence served
2 nd Conviction - Violent	Not eligible	Not eligible	50% sentenced served
3 rd Conviction	Not eligible	Not eligible	Not eligible

Source: Prepared by legislative auditor's staff using information from Louisiana Revised Statute (R.S.) 15.571.3.

Potential Amount of Time Served for Good time and Traditional Parole Releases for First-time Nonviolent Offenders Based on Louisiana Statutes Effective as of the 2012 Legislative Session

Sentence Length	State Facilities		Local Facilities		All Facilities
	Good Time Release	Good Time Release with Maximum Program Credits	Good Time Release	Good Time Release with Maximum Program Credits	Traditional Parole Release
3 years	1.2 years	9.5 months	1.5 years	1 year	9 months
5 years	2 years	1.6 years	2.5 years	2 years	1.25 years
10 years	4 years	3.6 years	5 years	4.6 years	2.5 years

Source: Prepared by legislative auditor's staff using information from R.S. 15.571.3.