

2025 Regular Session

SENATE BILL NO. 196

BY SENATOR OWEN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COURTS. Provides relative to homelessness. (8/1/25)

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AN ACT

To enact Chapter 33-D of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:5381 through 5386, and R.S. 14:107.6, relative to homelessness; to provide for the creation of homelessness court programs; to provide program goals, guidelines, and participation criteria; to provide for annual evaluations of homelessness court programs submitted to the supreme court; to create the crime of unauthorized camping on public property; to provide for criminal penalties; to provide for terms, conditions, procedures, and definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 33-D of Title 13 of the Louisiana Revised Statutes of 1950, comprised of R.S. 13:5381 through 5386, and R.S. 14:107.6 are hereby enacted to read as follows:

CHAPTER 33-D. HOMELESSNESS COURT PROGRAM

§5381. Short title

This Chapter shall be known and may be cited as the "Homelessness Court Program Act".

1 **§5382. Purpose**

2 **The Legislature of Louisiana recognizes that there is a critical need for**
3 **criminal justice system programs to assist those individuals who are**
4 **experiencing homelessness in order to reduce the incidence of substance abuse**
5 **disorders, untreated mental health issues, destruction and disruption of use of**
6 **public property, significant public health and safety issues, and crimes**
7 **committed by those experiencing homelessness. There is also a need for**
8 **programs to assist those experiencing homelessness with mental health issues,**
9 **including mental health diagnoses and undiagnosed mental illnesses. Moreover,**
10 **many experiencing homelessness suffer from co-occurring disorders of**
11 **substance abuse and mental illness. These problems can cause those**
12 **experiencing homelessness to have involvement with the criminal justice system.**
13 **Therefore, it is the intent of the Legislature of Louisiana to create specialized**
14 **court programs in the various districts of this state called "homelessness court**
15 **programs" to assist those experiencing homelessness in overcoming these issues,**
16 **as they impact themselves, the criminal justice system, and society at large. The**
17 **goal of these programs shall be to reduce recidivism among those experiencing**
18 **homelessness and to provide those experiencing homelessness with the**
19 **assistance that they need to become productive members of society.**

20 **§5383. Goals**

21 **The goals of the homelessness court program divisions created under this**
22 **Chapter shall include all of the following:**

23 **(1) To reduce drug abuse and alcoholism and dependency among**
24 **offenders.**

25 **(2) To reduce the alcohol and drug-related workload of the courts.**

26 **(3) To reduce criminal recidivism.**

27 **(4) To diagnose undiagnosed mental health problems and to assist in the**
28 **care and treatment of diagnosed mental health illnesses.**

29 **(5) To increase the personal, familial, and societal accountability of**

1 offenders.

2 (6) To reduce prison overcrowding.

3 (7) To provide employment and job training for those experiencing
4 homelessness.

5 (8) To provide housing assistance for those experiencing homelessness
6 in partnership with state, local, and federal housing authorities and nonprofit
7 organizations.

8 (9) To provide counseling services as necessary.

9 §5384. Definitions

10 For the purposes of this Chapter:

11 (1) "Participant" means a person currently experiencing homelessness.

12 (2) "Homelessness court program" means a program that has all of the
13 following essential characteristics:

14 (a) The integration of health care, education, and housing assistance, as
15 well as employment, job training, disability compensation counseling, and other
16 rehabilitative services in the processing of cases in the criminal justice system.

17 (b) Early identification and prompt placement of eligible participants in
18 the program, whereby they become program participants.

19 (c) The use of nonadversarial approaches involving prosecutors and
20 defense attorneys to promote public safety and protect the due process rights
21 of program participants.

22 (d) Access to continuum of alcohol, controlled substance, mental health,
23 suicide assessment, intervention, treatment and management, and other related
24 treatment and rehabilitative services.

25 (e) Careful monitoring of treatment and services provided to program
26 participants.

27 (f) A coordinated strategy to govern program responses to participants'
28 compliance.

29 (g) Ongoing judicial interaction with program participants.

1 (h) Monitoring and evaluation of program goals and effectiveness.

2 (i) Continuing interdisciplinary education to promote effective program
3 planning, implementation, and operations.

4 (j) Development of partnerships with public agencies and community
5 organizations, including but not limited to the Louisiana Workforce
6 Commission, the United States Department of Housing and Urban
7 Development, and any other local, state or federal agency or organization that
8 can provide assistance to participants.

9 §5385. The homelessness court program

10 A. Each district court by rule may designate as a homelessness court
11 program one or more divisions of the district court to which participants are
12 assigned and may establish a probation program to be administered by the
13 presiding judge or judges thereof or by an employee designated by the court.

14 B. Participation in probation programs shall be subject to the following
15 provisions:

16 (1) The district attorney may propose to the court that an individual
17 defendant be screened for eligibility as a participant in the homelessness court
18 program if all of the following criteria are satisfied:

19 (a) The individual is charged with a violation of a statute of this state,
20 either a felony or misdemeanor, and is determined to be an individual
21 experiencing homelessness.

22 (b) The district attorney has reason to believe that the individual who is
23 charged could benefit by the homelessness court program.

24 (c) The district attorney has reason to believe that it is in the best interest
25 of the community and in the interest of justice to provide the defendant with
26 treatment as opposed to incarceration or other sanctions.

27 (2) Upon receipt of the proposal provided for in Paragraph (1) of this
28 Subsection, the court shall advise the defendant that he may be eligible for
29 enrollment in a court-authorized treatment program through the homelessness

1 court program.

2 (3)(a) If the defendant requests to undergo treatment and is accepted into
3 the homelessness court program, the defendant will be placed under the
4 supervision of the homelessness court program for the period of not less than
5 twelve months.

6 (b) During the treatment the defendant may be confined in a treatment
7 facility or, at the discretion of the court, the defendant may be released on a
8 probationary basis for treatment or supervised aftercare in the community.

9 (c) The court may impose any conditions reasonably related to the
10 complete rehabilitation of the defendant.

11 (d) The defendant shall be required to participate in any court-ordered
12 alcohol and drug testing program at his own expense, unless the court
13 determines that he is indigent.

14 (e) If the defendant completes the homelessness court program, and has
15 successfully completed all other requirements of his court-ordered probation,
16 the conviction may be set aside and the prosecution dismissed in accordance
17 with the provision of the Code of Criminal Procedure Articles 893 and 894. A
18 defendant's successful completion of the homelessness court program and the
19 other requirements of probation may result in his discharge from supervision.
20 If the defendant does not successfully complete the homelessness court program,
21 the judge may revoke the probation and impose sentence, or the judge may
22 revoke the probation and order the defendant to serve the sentence previously
23 imposed and suspended, or the judge may revoke the probation and order the
24 defendant to be committed to the custody of the Department of Public Safety
25 and Corrections and be required to serve a sentence of not more than six
26 months without diminution of sentence in the intensive incarceration program
27 pursuant to R.S. 15:574.4.4 and 574.5, then to be returned to the regular
28 homelessness court docket, or the court may impose any sanction provided by
29 Code of Criminal Procedure Article 900, and extend probation and order that

1 the defendant continue treatment for an additional period, or both.

2 (4) The defendant has the right to be represented by counsel at all stages
3 of a criminal prosecution and in any court hearing relating to the homelessness
4 court program. The defendant shall be represented by counsel during the
5 negotiations to determine eligibility to participate in the homelessness court
6 program and shall be represented by counsel at the time of the execution of the
7 probation agreement, and at any hearing to revoke the defendant's probation
8 and discharge him from the program, unless the court finds and the record
9 shows that the defendant has knowingly and intelligently waived his right to
10 counsel.

11 (5) The defendant must agree to the homelessness court program. If the
12 defendant elects to undergo treatment and participate in the homelessness court
13 program, the court shall order an examination of the defendant by one of the
14 court's designated licensed treatment programs. Treatment programs shall
15 possess sufficient experience in working with criminal justice participants with
16 alcohol or drug addictions, mental health problems, or all of these matters, and
17 shall be certified and approved by the state of Louisiana. The designated
18 treatment program shall utilize standardized testing and evaluation procedures
19 to determine whether or not the defendant is an appropriate candidate for a
20 treatment program and shall report the findings to the court and the district
21 attorney.

22 (6) The treatment program examiner or district attorney may request
23 that the defendant provide the following information to the court:

- 24 (a) Information regarding prior criminal charges.
- 25 (b) Education, work experience, and training.
- 26 (c) Family history, including residence in the community.
- 27 (d) Medical and mental history, including any psychiatric or
28 psychological treatment or counseling.
- 29 (e) Any other information reasonably related to the success of the

1 treatment program.

2 (7) The designated program shall recommend to the court a preliminary
3 length of stay and level of care for the defendant.

4 (8) In addition to the report submitted by the examiner, the judge and
5 district attorney shall consider the following factors in determining whether the
6 homelessness court program would be in the interest of justice and of benefit to
7 the defendant and the community:

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

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

11 (c) Whether the defendant is a first-time offender and, if the defendant
12 has previously participated in this or a similar program, the degree of success
13 attained.

14 (d) Whether there is a probability that the defendant will cooperate with
15 and benefit from probation and treatment through the homelessness court
16 program.

17 (e) Whether the available homelessness court program is appropriate to
18 meet the needs of the defendant.

19 (f) The impact of the defendant's probation and treatment upon the
20 community.

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

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

23 (i) Provisions for and the likelihood of obtaining restitution from the
24 defendant over the course of his probation.

25 (j) Any mitigating circumstances.

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

28 (9) In order to be eligible for the homelessness court program, the
29 defendant must satisfy each of the following criteria:

1 (a) The defendant cannot have a prior felony conviction for an offense
2 defined as a homicide in R.S. 14:29 or as a sex offense in R.S. 15:541, or any
3 pending criminal proceeding alleging commission of an offense defined as a
4 crime of violence in R.S. 14:2(B) or an offense defined as a sex offense in R.S.
5 15:541.

6 (b) The crime before the court cannot be a charge of driving under the
7 influence of alcohol or any other drug or drugs that resulted in the death of a
8 person.

9 (10)(a) The judge shall make the final determination of eligibility. If,
10 based on the examiner's report and the recommendations of the district
11 attorney and the defense counsel, the judge determines that the defendant
12 should be enrolled in the homelessness court program, the court shall accept the
13 defendant's guilty plea, suspend or defer the imposition of sentence, and place
14 the defendant on probation under the terms and conditions of the homelessness
15 court program. The court also may impose the sentence and suspend the
16 execution thereof, placing the defendant on probation under the terms and
17 conditions of the homelessness court program.

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

21 (c) A homelessness court program team or staff may petition the court
22 to reject a referral to the homelessness court program if the homelessness court
23 program team or staff deems the defendant to be inappropriate for admission
24 to the homelessness court program. Additionally, a homelessness court program
25 team or staff may petition the court for immediate discharge of any individual
26 who fails to comply with homelessness court program rules and treatment
27 expectations or who refuses to constructively engage in the treatment process.

28 C.(1) In offering a defendant the opportunity to request treatment, the
29 court shall advise the defendant of the following at the time of the guilty plea:

1 **(a) If the defendant is accepted into the homelessness court program,**
2 **then the defendant must waive the right to a trial. The defendant shall enter a**
3 **plea of guilty to the charge, with the stipulation that sentencing be deferred or**
4 **that the sentence be imposed, but suspended, and the defendant placed on**
5 **supervised probation under the usual conditions of probation and under certain**
6 **special conditions of probation related to the completion of such treatment**
7 **programs as are ordered by the court. During participation in the program, the**
8 **defendant will be subject to nonadversarially determined sanctions. All**
9 **adversarial hearings will occur during probation violation hearings.**

10 **(b) The terms of each probation agreement shall be decided by the judge.**
11 **The defendant shall agree to enter the program and sign a probation agreement**
12 **stating the terms and conditions of his program. The defendant shall plead**
13 **guilty to the charge in order to be eligible for the homelessness court program.**

14 **(2) Any probation agreement entered into pursuant to this Section shall**
15 **include the following:**

16 **(a) The terms of the agreement, which shall provide that if the defendant**
17 **fulfills the obligations of the agreement, as determined by the court, then the**
18 **criminal charges may be dismissed and the prosecution set aside in accordance**
19 **with the provisions of Code of Criminal Procedure Articles 893 and 894, or, if**
20 **the defendant has been sentenced following the plea of guilty, then the successful**
21 **completion of the homelessness court program may result in the discharge of**
22 **the defendant from continued supervision.**

23 **(b) A waiver by the defendant of the right to trial by jury under the laws**
24 **and constitutions of Louisiana and the United States.**

25 **(c) The defendant's full name.**

26 **(d) The defendant's full name at the time the complaint was filed, if**
27 **different from the defendant's current name.**

28 **(e) The defendant's sex and date of birth.**

29 **(f) The crime before the court.**

- 1 (g) The date the complaint was filed.
- 2 (h) The court in which the agreement was filed.
- 3 (i) A stipulation of the facts upon which the charge was based, as agreed
4 to by the defendant and the district attorney.
- 5 (j) A provision that the defendant may be required to pay a probation
6 supervision fee if ordered by the court.
- 7 (k) A provision, in cases where applicable, that the defendant may be
8 required to pay restitution to the victim.
- 9 (l) A provision, that once the defendant is receiving treatment as an
10 outpatient or living in a halfway house, he will participate in appropriate job
11 training or schooling or seek gainful employment if ordered by the court.
- 12 (m) A copy of the plea agreement.
- 13 (3) To the extent of his financial resources, a defendant who is placed
14 under the supervision of the homelessness court program may be required to
15 pay a portion of or the entire cost of the treatment program to which he is
16 assigned and the cost of any additional supervision that may be required, as
17 determined by the homelessness court program.
- 18 (4) If the probationer does not have the financial resources to pay all the
19 related costs of the probation program:
- 20 (a) The court, to the extent practicable, shall arrange for the probationer
21 to be assigned to a treatment program funded by the state or federal
22 government.
- 23 (b) The court, with the recommendation of the treatment program, may
24 order the probationer to perform supervised work for the benefit of the
25 community in lieu of paying all or a part of the costs relating to his treatment
26 and supervision. The work shall be performed for and under the supervising
27 authority of a parish, municipality, or other political subdivision or agency of
28 the state of Louisiana or a charitable organization that renders service to the
29 community or its residents.

1 (c) Any fee may be waived at the discretion of the court.

2 D.(1) When appropriate, the imposition or execution of sentence shall be
3 postponed while the defendant is enrolled in the treatment program. As long as
4 the probationer follows the conditions of his agreement, he shall remain on
5 probation. At the conclusion of the period of probation, the district attorney, on
6 advice of the person providing the probationer's treatment and the probation
7 officer, may recommend that the court take one of the following courses of
8 action:

9 (a) Revoke the probationer's probation and sentence the probationer
10 because he has not successfully completed the treatment and has violated one
11 or more conditions of probation; or, if the probationer has already been
12 sentenced, revoke the probation and remand the probationer to the appropriate
13 custodian for service of that sentence.

14 (b) Extend the period of probation so that the probationer may continue
15 the program.

16 (c) Set aside the probationer's conviction and dismiss the prosecution
17 because the probationer has successfully completed all the conditions of his
18 probation and treatment agreement.

19 (2) The district attorney shall make the final determination on whether
20 to request revocation, extension, or dismissal.

21 (3)(a) If an individual who has enrolled in a program violates any of the
22 conditions of his probation or his treatment agreement or appears to be
23 performing unsatisfactorily in the assigned program, or if it appears that the
24 probationer is not benefitting from education, treatment, or rehabilitation, the
25 treatment supervisor, probation officer, or the district attorney may move the
26 court for a hearing to determine if the probationer should remain in the
27 program or whether the probation should be revoked and the probationer
28 removed from the program and sentenced or ordered to serve any sentence
29 previously imposed. If at the hearing the moving party can show sufficient proof

1 that the probationer has violated his probation or his treatment agreement and
2 has not shown a willingness to submit to rehabilitation, the probationer may be
3 removed from the program or his treatment agreement may be changed to meet
4 the probationer's specific needs.

5 (b) If the court finds that the probationer has violated a condition of his
6 probation or a provision of his probation agreement and that the probationer
7 should be removed from the probation program, then the court may revoke the
8 probation and sentence the individual in accordance with his guilty plea or, if
9 the individual has been sentenced and the sentence suspended, order the
10 individual to begin serving the sentence.

11 (c) If a defendant who has been admitted to the probation program fails
12 to complete the program and is thereafter sentenced to jail time for the offense,
13 he shall be entitled to credit for the time served in any correctional facility in
14 connection with the charge before the court.

15 (d) At any time and for any appropriate reason, the probationer, his
16 probation officer, the district attorney, or his treatment provider may petition
17 the court to reconsider, suspend, or modify its order for rehabilitation or
18 treatment concerning that probationer.

19 (e) The burden of proof at all the hearings shall be the burden of proof
20 required to revoke probation as provided by law.

21 E. The appropriate treatment program shall report the following
22 changes or conditions to the district attorney at any periodic reporting period
23 specified by the court:

24 (1) The probationer is changed from an inpatient to an outpatient.

25 (2) The probationer is transferred to another treatment center or
26 program.

27 (3) The probationer fails to comply with program rules and treatment
28 expectations.

29 (4) The probationer refuses to engage constructively in the treatment

1 process.

2 (5) The probationer terminates his participation in the treatment
3 program.

4 (6) The probationer is rehabilitated or has obtained the maximum
5 benefits of rehabilitation or treatment.

6 F. Upon successful completion of the homelessness court program and
7 its terms and conditions, the judge, after receiving the recommendation from
8 the district attorney, may vacate the judgment of conviction and dismiss the
9 criminal proceedings against the probationer or may discharge the defendant
10 from probation in accordance with the provisions of Code of Criminal
11 Procedure Articles 893 or 894.

12 G. Discharge and dismissal under this Chapter, as provided in Code of
13 Criminal Procedure Articles 893 and 894, shall have the same effect as an
14 acquittal, except that the conviction may be considered in order to provide the
15 basis for subsequent prosecution of the party as a multiple offender and shall
16 be considered an offense for the purposes of any other law or laws relating to
17 cumulation of offenses. Dismissal under this Chapter shall occur only once with
18 respect to any person. Nothing herein shall be construed as a basis for the
19 destruction of records of the arrest and prosecution of the person.

20 H. Nothing contained in this Chapter shall confer a right or an
21 expectation of a right to treatment for a defendant or offender within the
22 criminal justice system.

23 I. Each defendant shall contribute to the cost of any treatment received
24 in the homelessness court program based upon guidelines developed by the
25 homelessness court program. Any fees may be waived at the discretion of the
26 court.

27 J. Each judicial district that establishes a homelessness court probation
28 program shall adopt written policies and guidelines for the implementation of
29 a probation program in accordance with this Chapter. The policies and

1 guidelines shall include provisions concerning the following:

2 (1) How to examine the defendant initially to determine if he is qualified
3 for enrollment.

4 (2) How to advise the defendant of the program if the court has reason
5 to believe the defendant may suffer from alcohol or drug addiction or mental
6 health problems or illnesses.

7 (3) What licensed treatment programs are certified by the court.

8 K. Each homelessness court program shall develop a method of
9 evaluation to measure its effectiveness. These evaluations shall be compiled
10 annually and transmitted to the judicial administrator of the Supreme Court
11 of Louisiana.

12 L.(1) Except as otherwise provided for by law, the registration and other
13 records of a treatment facility are confidential and shall not be disclosed to any
14 person not connected with the treatment facility or the homelessness court
15 program and district attorney without the consent of the patient.

16 (2) The provisions of Paragraph (1) of this Subsection shall not restrict
17 the use of patients' records for the purpose of research into the cause and
18 treatment of alcoholism and drug addiction and mental health illnesses,
19 provided that such information shall not be published in a way that discloses the
20 patient's name and identifying information.

21 M. No statement, or any information procured therefrom, with respect
22 to the specific offenses with which the defendant is charged, which is made to
23 any probation officer or program treatment worker subsequent to the granting
24 of probation, shall be admissible in any civil or criminal action or proceeding,
25 except a homelessness court program probation revocation proceeding.

26 N. A record of the fact that an individual has participated in
27 homelessness court program shall be sent to the office of the attorney general
28 and shall be made available upon request to any district attorney for the
29 purpose of determining if an individual has previously participated in a

1 homelessness court program.

2 §5386. Dismissal of certain criminal charges upon completion of homelessness
3 court probation program

4 A. Notwithstanding any other provision of law to the contrary, as to any
5 person eligible for participation in a homelessness court program as provided
6 for under the provisions of this Chapter, when it appears that the best interests
7 of the public and the defendant will be served, with the prior approval of the
8 district attorney, the court may, without entering a judgment of guilt and with
9 the consent of such person, defer proceedings and place him on probation upon
10 such reasonable terms and conditions as may be required by the court and
11 under the provisions of this Chapter.

12 B. Upon the defendant's violation of any of the terms or conditions of his
13 probation, the court may revoke his probation, enter an adjudication of guilt,
14 and impose sentence upon such person. The entering of the adjudication of guilt
15 shall be retroactive to the date the defendant pled guilty or was convicted under
16 Subsection A of this Section, but the imposition or execution of sentence shall
17 not be retroactive.

18 C. Upon fulfillment of the terms and conditions of probation imposed in
19 accordance with this Section, the court shall discharge the person and dismiss
20 the proceedings against him.

21 D. The discharge and dismissal of charges pursuant to this Section shall
22 be without court adjudication of guilt and shall not be deemed a conviction for
23 purposes of disqualifications or disabilities imposed by law upon conviction of
24 a crime, including the additional penalties imposed for second or subsequent
25 convictions under R.S. 40:982. The discharge and dismissal of charges pursuant
26 to this Section may occur only once with respect to any person.

27 Section 2. R.S. 14:107.6 is hereby enacted to read as follows:

28 §107.6. Unauthorized camping on public property

29 A. The terms used in this Section shall have the following meanings:

Proposed law provides for program goals and criteria, qualifications, and guidelines for participation.

Proposed law provides that upon the successful completion of the terms and conditions of the program, the court shall discharge the participant and dismiss the proceedings against him.

Proposed law provides that each program shall develop a method of evaluation to measure its effectiveness. Provides for annual submission of evaluations to the supreme court.

Proposed law creates the crime of unauthorized camping and provides for penalties.

Effective August 1, 2025.

(Adds R.S. 13:5381-5386 and R.S. 14:107.6)