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## DIGEST

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HB 567 Original

2018 Regular Session

Hilferty

**Abstract:** Removes the prerequisite that a probation or parole officer have a reasonable suspicion to believe that the person on probation is engaged in criminal activity when initiating a search.

Present law provides that when the court places a defendant on probation, it shall require the defendant to refrain from criminal conduct, and it may impose specific conditions to the defendant's rehabilitation, including requiring the defendant to agree to searches of his person, property, place of residence, vehicle, or personal effects by the probation officer or the parole officer assigned to him, with or without a warrant of arrest or search warrant, when the probation officer or the parole officer has reasonable suspicion to believe that the person who is on probation is engaged in or has been engaged in criminal activity.

Proposed law retains present law but allows any probation or parole officer to conduct the search and removes the prerequisite that the probation or parole officer have a reasonable suspicion to believe that the person on probation is engaged in criminal activity.

Present law authorizes the committee on parole to make rules for the conduct of persons granted parole, and specifically requires as a condition of parole that the parolee refrain from engaging in criminal conduct.

Proposed law retains present law and also requires that the parolee agree to visits and searches as provided in proposed law.

Present law provides, in part and under certain circumstances, that if a parole officer has reasonable cause to believe that a parolee has violated or is attempting to violate a condition of parole and that an emergency exists, the parole officer may arrest the parolee without a warrant or may authorize any peace officer to do so.

Proposed law retains present law and provides, upon being placed on parole, that the parolee agrees to visits at his residence or place of employment at any time by probation or parole officers and further agrees to searches of his person, property, place of residence, vehicle, or personal effects at any times by probation or parole officers, with or without a warrant of arrest or search warrant.

(Amends C.Cr.P. Art. 895(A)(13)(a) and R.S. 15:574.4.2(A)(1) and (2)(i) and (j) and 574.8(B); Repeals R.S. 15:574.4.2(A)(2)(k))