

2018 Regular Session

HOUSE BILL NO. 567

BY REPRESENTATIVE HILFERTY

PROBATION: Provides relative to searches of persons placed on probation or parole

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 895(A)(13)(a), and R.S.  
3 15:574.4.2(A)(1) and 574.8(B), relative to probation and parole; to provide relative  
4 to searches of persons on probation or parole; to provide relative to the requirement  
5 of certain warrants; to provide for conditions of probation and parole; and to provide  
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 895(A)(13)(a) is hereby amended  
9 and reenacted to read as follows:

10 Art. 895. Conditions of probation

11 A. When the court places a defendant on probation, it shall require the  
12 defendant to refrain from criminal conduct and to pay a supervision fee to defray the  
13 costs of probation supervision, and it may impose any specific conditions reasonably  
14 related to his rehabilitation, including any of the following. That the defendant shall:

15 \* \* \*

16 (13)(a) Agree to searches of his person, his property, his place of residence,  
17 his vehicle, or his personal effects, or any or all of them, at any time, by the  
18 probation ~~officer~~ or the parole officer assigned to him or by any probation or parole  
19 officer who is subsequently assigned or directed by the Department of Public Safety  
20 and Corrections to supervise the person, whether the assignment or directive is



1 authorization or subsequent confirmation shall set forth that, in the judgment of the  
2 parole officer, the person to be arrested has violated or was attempting to violate a  
3 condition of his parole. The parolee arrested ~~hereunder~~ pursuant to this Section, if  
4 detained, shall be held in a local jail, state prison, or other detention facility, pending  
5 action by the committee. Immediately after such arrest and detention, the parole  
6 officer concerned shall notify the chief probation and parole officer and submit a  
7 written report of the reason for the arrest. After consideration of the written report,  
8 the chief probation and parole officer shall, with all practicable speed, make a  
9 preliminary determination, and shall either order the parolee's release from detention  
10 or proceed promptly in accordance with R.S. 15:574.7.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 567 Engrossed

2018 Regular Session

Hilferty

**Abstract:** Provides relative to searches and visits of persons on probation or parole by probation and parole officers.

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 authorizes the search to be conducted by either the probation or parole officer assigned to the defendant or by any probation or parole officer who is subsequently assigned or directed by the Dept. of Public Safety and Corrections to supervise the person, whether the assignment or directive is temporary or permanent

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.

(Amends C.Cr.P. Art. 895(A)(13)(a) and R.S. 15:574.4.2(A)(1) and 574.8(B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provide that the search of the person placed on probation may be conducted by either the probation or parole officer assigned to the defendant or by any probation or parole officer who is subsequently assigned or directed by the Dept. of Public Safety and Corrections to supervise the person, whether the assignment or directive is temporary or permanent.
2. Restore the present law provisions which require the probation or parole officer have a reasonable suspicion to believe that the person on probation is engaged in criminal activity in order to conduct the search.
3. Restore the present law provision which requires the person on probation to agree to visits at his residence or place of employment by the probation and parole officer at any time.