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## DIGEST

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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.