

SENATE BILL NO. 70

BY SENATOR MIZELL

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AN ACT

To amend and reenact Code of Criminal Procedure Article 895(A)(13)(a) and to enact R.S. 15:574.4.2(I), relative to probation and parole; to provide that a warrantless search may be conducted of a probationer's residence under certain circumstances by certain probation or parole officers; to define "probation and parole officer"; to provide relative to legislative intent; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

Art. 895. Conditions of probation

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

* * *

(13)(a) Agree to searches of his person, his property, his place of residence, his vehicle, or his personal effects, or any or all of them, at any time, by the probation ~~officer~~ or the parole officer assigned to him **or by any probation or parole officer who is subsequently assigned or directed by the Department of Public Safety and Corrections to supervise the person, whether the assignment or directive is temporary or permanent**, with or without a warrant of arrest or with or without a 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.

* * *

1 Section 2. R.S. 15:574.4.2(I) is hereby enacted to read as follows:

2 §574.4.2. Decisions of committee on parole; nature, order, and conditions of parole;
3 rules of conduct; infectious disease testing

4 * * *

5 **I. For purposes of this Section, "probation and parole officer" means:**

6 **(1) The probation and parole officer originally assigned to the parolee.**

7 **(2) Any probation and parole officer who is subsequently assigned or**
8 **directed by the Department of Public Safety and Corrections to supervise the**
9 **parolee, whether the assignment to the parolee is temporary or permanent.**

10 Section 3. The provisions of this Act are intended to legislatively overrule the
11 Louisiana Supreme Court's decision in *State of Louisiana v. Brignac*, 17-448, (La. 10/18/17),
12 234 So.3d 46, to the extent that the court held that a warrantless search of a probationer's
13 residence violates the provisions of Code of Criminal Procedure Article 895(A)(13)(a) when
14 the search is not conducted by the probation officer assigned to the probationer by the
15 Department of Public Safety and Corrections.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____