2020 Regular Session

HOUSE BILL NO. 77

1

## BY REPRESENTATIVE DEVILLIER

2	To enact Subpart (2) of Part II of Chapter 5 of Title 15 of the Louisiana Revised Statutes of
3	1950, to be comprised of R.S. 15:574.14, and Code of Criminal Procedure Article
4	895(P), relative to supervision of persons on probation or parole; to provide relative
5	to the reporting requirements of persons on probation or parole; to authorize the use
6	of certain technology to comply with reporting requirements; to provide certain
7	specifications for the technology; to provide relative to when the technology may be
8	used; to authorize the Department of Public Safety and Corrections to promulgate
9	certain rules; and to provide for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. Subpart (2) of Part II of Chapter 5 of Title 15 of the Louisiana Revised
12	Statutes of 1950, comprised of R.S. 15:574.14, is hereby enacted to read as follows:
13	(2) PAROLEE SUPERVISION
14	§574.14. Required reporting of parolees; alternative to in-person meetings
15	A. A probation and parole officer who supervises a parolee shall schedule
16	meetings, which are required as a condition of an individual's release, at such times
17	and locations that take into consideration and accommodate the work schedule of a
18	parolee who is employed by another person or entity.
19	B. To comply with the provisions of Subsection A of this Section, in lieu of
20	requiring the parolee to appear in-person for the required reporting or meetings, the
21	probation and parole officer may utilize technology portals, including cellular
22	telephone and other electronic communication devices, that allow simultaneous voice

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CODING: Words in struck through type are deletions from existing law; words  $\underline{\text{underscored}}$  are additions.

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and video communication in real time between the parolee and the probation and parole officer. Such technology may also be used for required reporting or meetings of a parolee who is self-employed at the discretion of the parolee's probation and parole officer and in accordance with any rules promulgated by the Department of Public Safety and Corrections pursuant to this Section.

C. The Department of Public Safety and Corrections shall promulgate rules in accordance with the Administrative Procedure Act to implement the provisions of this Section. The rules promulgated by the department pursuant to this Section shall include but are not limited to minimum standards and guidelines for the authorized technology and how it may be used as well as standards for determining the eligibility and suitability of parolees to meet their reporting requirements through the use of such technology. The eligibility and suitability standards shall include consideration of the severity of the parolee's underlying criminal conviction and the parolee's criminal history, supervision level, and past supervision history.

Section 2. Code of Criminal Procedure Article 895(P) is hereby enacted to read as follows:

Art. 895. Conditions of probation

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P.(1) When a defendant who is on probation is employed by another person or entity, the probation officer who supervises the defendant shall schedule meetings, which are required as a condition of the defendant's probation, at such times and locations that take into consideration and accommodate the work schedule of the defendant.

(2) To comply with the provisions of Subparagraph (1) of this Paragraph, in lieu of requiring the defendant to appear in-person for the required reporting or meetings, the probation officer may utilize technology portals, including cellular telephone and other electronic communication devices, that allow simultaneous voice and video communication in real time between the defendant and the probation officer. Such technology may also be used for required reporting or meetings of a defendant on probation who is self-employed at the discretion of the defendant's

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1 probation officer and in accordance with any rules promulgated by the Department 2 of Public Safety and Corrections pursuant to this Paragraph. 3 (3) The Department of Public Safety and Corrections shall promulgate rules 4 in accordance with the Administrative Procedure Act to implement the provisions 5 of this Paragraph. The rules promulgated by the department pursuant to this 6 Paragraph shall include but are not limited to minimum standards and guidelines for 7 the authorized technology and how it may be used as well as standards for 8 determining the eligibility and suitability of defendants on probation to meet their 9 reporting requirements through the use of such technology. The eligibility and 10 suitability standards shall include consideration of the severity of the defendant's 11 underlying criminal conviction, criminal history, supervision level, and past 12 supervision history. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: