

**ACT No. 98**

2020 Regular Session

HOUSE BILL NO. 77

BY REPRESENTATIVE DEVILLIER

1 AN ACT

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

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

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

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

17           Art. 895. Conditions of probation

18   \*           \*           \*

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

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

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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_