

2026 Regular Session

HOUSE BILL NO. 823

BY REPRESENTATIVES KNOX AND CHASSION

1 AN ACT

2 To enact Chapter 33-D of Title 13 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 13:5381 through 5386, relative to homelessness; to provide for the  
4 creation of a homeless diversion pilot program in Orleans Parish; to provide program  
5 goals, guidelines, and participation criteria; to provide for annual evaluations of the  
6 homeless diversion pilot program submitted to the Louisiana Supreme Court; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 33-D of Title 13 of the Louisiana Revised Statutes of 1950,  
10 comprised of R.S. 13:5381 through 5386, is hereby enacted to read as follows:

11 CHAPTER 33-D. HOMELESS DIVERSION PILOT PROGRAM

12 §5381. Short title

13 This provisions of this Chapter are to create a pilot program in Orleans Parish  
14 entitled the "Homeless Diversion Pilot Program".

15 §5382. Goals

16 The goals of the homeless diversion pilot program created in this Chapter  
17 include all of the following:

18 (1) To reduce drug abuse and alcoholism and dependency among offenders.

19 (2) To reduce the alcohol and drug-related workload of the courts.

20 (3) To reduce criminal recidivism.

21 (4) To diagnose undiagnosed mental health problems and to assist in the care

22 and treatment of diagnosed mental health illnesses.

1                   (5) To increase the personal, familial, and societal accountability of  
2                   offenders.

3                   (6) To reduce prison overcrowding.

4                   (7) To provide employment and job training for those experiencing  
5                   homelessness.

6                   (8) To provide housing assistance for those experiencing homelessness in  
7                   partnership with state, local, and federal housing authorities and nonprofit  
8                   organizations.

9                   (9) To provide counseling services as necessary.

10                  §5383. Homeless diversion pilot program; Parish of Orleans; creation

11                  A.(1) The district attorney for Orleans Parish shall create and administer a  
12                  pilot program for homeless defendants. The district attorney, at his discretion, may  
13                  choose to be the operator of the program using his own office personnel or may  
14                  choose a vendor as the operator of the program.

15                  (2) The pilot program may be offered, at the discretion of the district  
16                  attorney, to a homeless defendant as part of a pretrial diversion program.

17                  B. The terms of the pilot program shall be decided by the district attorney,  
18                  which shall have all of the following essential characteristics:

19                  (1) The integration of health care, education, and housing assistance, as well  
20                  as employment, job training, disability compensation counseling, and other  
21                  rehabilitative services in the processing of cases in the criminal justice system.

22                  (2) Early identification and prompt placement of eligible participants into the  
23                  program.

24                  (3) The use of nonadversarial approaches involving prosecutors and defense  
25                  attorneys to promote public safety and protect the due process rights of program  
26                  participants.

27                  (4) Access to continuum of alcohol, controlled substance, mental health,  
28                  suicide assessment, intervention, treatment and management, and other related  
29                  treatment and rehabilitative services.

1                   (5) Careful monitoring of treatment and services provided to program  
2                   participants.

3                   (6) A coordinated strategy to govern program responses to participant  
4                   compliance.

5                   (7) Ongoing judicial interaction with program participants.

6                   (8) Monitoring and evaluation of program goals and effectiveness.

7                   (9) Continuing interdisciplinary education to promote effective program  
8                   planning, implementation, and operations.

9                   (10) Development of partnerships with public agencies and community  
10                  organizations, including but not limited to the Louisiana Works, the United States  
11                  Department of Housing and Urban Development, and any other local, state or federal  
12                  agency, or organization that can provide assistance to participants.

13                  §5384. Written policies and guidelines

14                  The district attorney shall adopt written policies and guidelines for the  
15                  implementation of a probation program in accordance with this Chapter. The policies  
16                  and guidelines shall include provisions concerning the following:

17                  (1) How to examine the defendant initially to determine if he is qualified for  
18                  enrollment.

19                  (2) How to advise the defendant of the program if the court has reason to  
20                  believe the defendant may suffer from alcohol or drug addiction or mental health  
21                  problems or illnesses.

22                  (3) What licensed treatment programs are certified by the court.

23                  (4) How to assist a defendant in obtaining employment.

24                  (5) What residential and housing opportunities exist.

25                  §5385. Dismissal of certain criminal charges upon completion of homeless  
26                  diversion pilot probation program

27                  A. Notwithstanding any other provision of law to the contrary, as to any  
28                  person eligible for participation in the homeless diversion pilot program as provided  
29                  in this Chapter, when it appears that the best interests of the public and the defendant  
30                  will be served, the district attorney may defer proceedings and request that he be

1 placed on probation upon such reasonable terms and conditions as may be required  
2 by the court and the provisions of this Chapter.

3 B. Upon the defendant's violation of any of the terms or conditions of his  
4 probation, the court may revoke his probation, enter an adjudication of guilt, and  
5 impose sentence upon the person. The entering of the adjudication of guilt shall be  
6 retroactive to the date the defendant pled guilty or was convicted pursuant to  
7 Subsection A of this Section, but the imposition or execution of sentence shall not  
8 be retroactive.

9 C. Upon fulfillment of the terms and conditions of probation imposed in  
10 accordance with this Section, the district attorney shall dismiss the proceedings  
11 against him.

12 D. The dismissal of charges pursuant to this Section shall be without court  
13 adjudication of guilt and shall not be deemed a conviction for purposes of  
14 disqualifications or disabilities imposed by law upon conviction of a crime, including  
15 the additional penalties imposed for second or subsequent convictions pursuant to  
16 R.S. 40:982. The dismissal of charges pursuant to this Section may occur only once  
17 with respect to any person.

18 §5386. Report to the Louisiana Supreme Court

19 The Homeless Diversion Pilot Program shall develop a method of evaluation  
20 to measure its effectiveness. This evaluation shall be compiled annually and  
transmitted to the judicial administrator of the Louisiana Supreme Court.

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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: \_\_\_\_\_