

Regular Session, 2013

HOUSE BILL NO. 158

BY REPRESENTATIVES TERRY LANDRY AND KLECKLEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/SENTENCING: Authorizes a pilot program to provide supervised probation of certain offenders in certain judicial districts

1 AN ACT

2 To enact R.S. 15:571.37, relative to probation; to authorize the development of a pilot
3 program to provide supervised probation by the office of the district attorney in
4 certain judicial districts; to provide for applicability; to provide for eligibility; to
5 provide for rulemaking; to provide for the assessment of a supervision fee; to provide
6 for the evaluation of the pilot program; to provide for reporting to legislative
7 committees; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:571.37 is hereby enacted to read as follows:

10 §571.37. Pilot program; supervised probation by certain district attorneys

11 A. Not later than January 1, 2014, the district attorneys of the Fourteenth,
12 Sixteenth, and Thirty-Sixth Judicial Districts may implement a pilot program to
13 provide for the supervision of eligible offenders convicted of a first or second felony
14 offense as provided for in Subsection B of this Section. The sentencing court, with
15 the consent of the district attorney, may order supervised probation of an offender
16 who is otherwise eligible to be conducted by the district attorney pursuant to the
17 provisions of this Section.

18 B. A person shall be eligible to participate in the pilot program provided for
19 by this Section if the person is convicted of a first or second felony offense which is
20 not a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S.

1 15:541 and who is eligible for probation or deferral of a sentence pursuant to Code
2 of Criminal Procedure Article 893.

3 C.(1) The district attorney shall develop, adopt, and implement rules and
4 regulations for the development, implementation, and administration of the pilot
5 program.

6 (2) The rules and regulations shall ensure that no defendant is excluded from
7 participation in the program based upon indigency.

8 (3) The rules and regulations may also include but shall not be limited to the
9 following:

10 (a) A requirement that the offender shall be subject to electric monitoring.

11 (b) A requirement that the offender shall be subject to home incarceration.

12 (c) A requirement that the offender shall obtain employment to defray costs
13 of supervision.

14 (d) A requirement that the offender shall submit to drug testing or inpatient
15 treatment.

16 D. An offender ordered to participate in the program shall be subject to all
17 of the conditions of probation provided for in Code of Criminal Procedure Articles
18 895 through 902.

19 E. When the court places the defendant on supervised probation pursuant to
20 the provisions of this Section, it shall order as a condition of supervision a monthly
21 fee of not less than sixty nor more than one hundred ten dollars payable to the district
22 attorney to defray the cost of supervision.

23 F. The court may, in lieu of the monthly supervision fee provided for in
24 Subsection E of this Section, require the defendant to perform a specified amount of
25 community service work each month if the court finds that the defendant is unable
26 to pay the minimum supervision fee.

27 G. Notwithstanding any other provision of law to the contrary, the court on
28 its own motion, or upon motion by the district attorney may terminate an offender's
29 participation in the pilot program authorized by this Section and order his probation

1 to be supervised by the Department of Public Safety and Corrections. If participation
 2 in the pilot program is terminated by the district attorney, the district attorney shall
 3 notify the court and offender, in writing, of the termination and transfer of probation.

4 H. The pilot program authorized by the provisions of this Section shall be
 5 evaluated with regard to recidivism, frequency of supervision contacts, collection of
 6 restitution, fines, and court costs, deterrence, cost of supervision, and other relevant
 7 measures of effectiveness. Such evaluation shall provide the required information
 8 on a project basis as well as in comparison with traditional probation.

9 I. A report of the evaluation of the program shall be presented to the Joint
 10 Legislative Committee on the Budget, the Senate Committee on Judiciary C, and the
 11 House Committee on the Administration of Criminal Justice not later than thirty days
 12 prior to the first day of the 2017 Regular Session of the Legislature of Louisiana.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Terry Landry

HB No. 158

Abstract: Provides for a pilot program which will authorize the district attorney to conduct supervised probation in certain cases.

Present law provides for probation supervision conducted by DPS&C.

Proposed law retains present law.

Proposed law authorizes the district attorneys of the 14th, 16th, and 36th Judicial Districts to implement a pilot program to provide for the supervision of first and second felony offenders who are eligible for probation or deferral of a sentence. Provides that persons convicted of a crime of violence or a sex offense shall not be eligible to participate in the program.

Proposed law provides that the sentencing court, with the consent of the district attorney, may order the supervised probation of an offender who is otherwise eligible to be conducted by the district attorney.

Proposed law provides that when the court places the defendant on supervised probation by the district attorney, it shall order as a condition of supervision a monthly fee of not less than \$60 nor more than \$110 payable to the district attorney to defray the cost of supervision. The court may, in lieu of the monthly supervision fee, require the defendant to perform a specified amount of community service work each month if the court finds the defendant is unable to pay the minimum supervision fee.

Proposed law provides that the district attorney or the court may terminate an offender's participation in the program and order that the offender be supervised by DPS&C.

Proposed law provides for evaluation of the program and reports to the legislature before the 2017 R.S.

(Adds R.S. 15:571.37)