

2016 Regular Session

HOUSE BILL NO. 1052

BY REPRESENTATIVE HENRY

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 893(B)(1)(b) and to enact  
3 Chapter 33-C of Title 13 of the Louisiana Revised Statutes of 1950, comprised of  
4 R.S. 13:5371 through 5373, and Code of Criminal Procedure Article  
5 893(B)(1)(a)(iv)(dd), relative to a probation pilot program in the 24<sup>th</sup> Judicial District  
6 Court; to provide for the Swift and Certain Probation Pilot Program; to provide for  
7 applicability; to provide for eligibility; to provide for the suspension of sentence for  
8 certain cases; to provide for the effects of completion of the program; to provide with  
9 respect to funds realized from participation in the program; and to provide for related  
10 matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Chapter 33-C of Title 13 of the Louisiana Revised Statutes of 1950,  
13 comprised of R.S. 13:5371 through 5373, is hereby enacted to read as follows:

14 CHAPTER 33-C. SWIFT AND CERTAIN PROBATION PILOT PROGRAM

15 §5371. Creation

16 The provisions of this Chapter are to create a pilot program in the 24<sup>th</sup>  
17 Judicial District Court entitled the Swift and Certain Probation Pilot Program.

18 §5372. Goals of the Swift and Certain Probation Pilot Program

19 The goals of the Swift and Certain Probation Pilot Program created under this  
20 Chapter include the following:

- 21 (1) To reduce alcoholism and drug abuse and dependency among offenders.  
22 (2) To reduce the number of new crimes.  
23 (3) To reduce criminal recidivism.

1                   (4) To reduce the alcohol- and drug-related workload of the courts.

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

4                   (6) To promote effective interaction and use of resources among criminal  
 5 justice personnel and community agencies.

6                   (7) To reduce the overcrowding of prisons.

7 §5373. Swift and Certain Probation Pilot Program; 24<sup>th</sup> Judicial District Court;  
 8 creation

9                   A. The 24th Judicial District Court, by rule adopted by a majority of the  
 10 judges sitting en banc, may establish the Swift and Certain Probation Pilot Program  
 11 to be administered by the presiding judge or judges of a special division of court  
 12 established by the court or any judge of the district court if the presiding judge or  
 13 judges are unavailable. The judicial district is authorized to provide funding for any  
 14 expenses related to the administration and operation of the pilot program.

15                   B. Any funds realized from a reduction in the amount of time a person would  
 16 have been required to serve in prison if the defendant had not been placed on  
 17 probation as provided by this Chapter shall be appropriated to the Department of  
 18 Public Safety and Corrections and shall be used to defray the additional operational  
 19 expenses of probation and parole and reentry initiatives. The Department of Public  
 20 Safety and Corrections shall measure and document cost savings from the  
 21 implementation of this Chapter and provide information to the legislature regarding  
 22 the estimated savings annually.

23                   C. The terms of the probation pilot program shall be decided by the presiding  
 24 judge or judges, which shall be in conformity with the principles of the original  
 25 Hawaii Opportunity Probation with Enforcement (HOPE) program. Probationers in  
 26 the program receive swift, predictable, and immediate sanctions typically resulting  
 27 in several days in jail for each detected violation, such as drug use or missed  
 28 appointments with a probation officer. Sanctions imposed pursuant to this Chapter  
 29 shall be served without diminution of sentence or credit for time served.



