

2016 Regular Session

HOUSE BILL NO. 1052

BY REPRESENTATIVE HENRY

PROBATION: Creates the Swift And Certain Probation Pilot Program

1 AN ACT

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

10 Be it enacted by the Legislature of Louisiana:

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

13 §5371. Legislative findings

14 A. The Legislature of Louisiana recognizes that Louisiana has the highest  
15 incarceration rate in the United States. The legislature also recognizes the critical  
16 need to reduce correctional populations and associated spending, hold offenders  
17 accountable, and reinvest savings into strategies shown to reduce recidivism and  
18 increase public safety. Over the last several years, Louisiana has taken steps to  
19 implement cost-effective, evidence-based practices and programs that have worked  
20 to control the growth in the state's prison population.

1           B. It is therefore the intent of the Legislature of Louisiana to provide for the  
2           creation of a specialized probation program designed to swiftly address the violations  
3           of criminal defendants on probation and to better use the limited resources of the  
4           state.

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

7           §5372. Goals of the Swift and Certain Probation Pilot Program

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

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

11           (2) To reduce the number of new crimes.

12           (3) To reduce criminal recidivism.

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

14           (5) To increase the personal, familial, and societal accountability of  
15           offenders.

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

18           (7) To reduce the overcrowding of prisons.

19           §5373. Swift and Certain Probation Pilot Program; 24<sup>th</sup> Judicial District Court;  
20           creation

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

27           B. Any funds realized from a reduction in the amount of time a person would  
28           have been required to serve in prison if the defendant had not been placed on  
29           probation as provided by this Chapter shall be appropriated to the Department of

1 Public Safety and Corrections and shall be used to defray the additional operational  
2 expenses of probation and parole and reentry initiatives. The Department of Public  
3 Safety and Corrections shall measure and document cost savings from the  
4 implementation of this Chapter and provide information to the legislature regarding  
5 the estimated savings annually.

6 C. The terms of the probation pilot program shall be decided by the presiding  
7 judge or judges, which shall be in conformity with the principles of the original  
8 Hawaii Opportunity Probation with Enforcement (HOPE) program. Probationers in  
9 the program receive swift, predictable, and immediate sanctions typically resulting  
10 in several days in jail for each detected violation, such as drug use or missed  
11 appointments with a probation officer.

12 D. The court may impose the conditions of the probation pilot program on  
13 any defendant placed on probation pursuant to Code of Criminal Procedure Article  
14 893.

15 E. Nothing in this Section shall be construed to limit the judge's authority  
16 over an offender on probation.

17 Section 2. Code of Criminal Procedure Article 893(B)(1)(a)(iv)(dd) is hereby  
18 enacted to read as follows:

19 Art. 893. Suspension and deferral of sentence and probation in felony cases

20 \* \* \*

21 B.(1)(a) The court may suspend, in whole or in part, the imposition or  
22 execution of the sentence when the following conditions exist:

23 \* \* \*

24 (iv) The court orders the defendant to do any of the following:

25 \* \* \*

26 (dd) Enter and complete the Swift and Certain Probation Pilot Program  
27 established pursuant to R.S. 13:5371 et seq. When a case is assigned to this pilot  
28 program, with the consent of the district attorney, the court may place the defendant  
29 on probation for a period of not more than eight years if the court determines that

1           successful completion of the program may require that period of probation to exceed  
2           the five-year limit. If necessary to insure successful completion of the program, the  
3           court may extend the duration of the probation period. The period of probation as  
4           initially fixed or as extended shall not exceed eight years.

5                       **(b) When suspension is allowed under this Paragraph, the defendant shall be**  
6           placed on probation under the supervision of the division of probation and parole.  
7           The period of probation shall be specified and shall not be less than two years nor  
8           more than five years, except as provided in Subitems (a)(iv)(aa), (bb), and (dd) of  
9           this Subparagraph.

10   \*       \*       \*

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)]

HB 1052 Original   2016 Regular Session   Henry

**Abstract:** Creates the Swift And Certain Probation Pilot Program in the 24<sup>th</sup> JDC.

Proposed law provides for the creation of a pilot program in the 24<sup>th</sup> JDC (Jefferson Parish).

Proposed law provides that the 24<sup>th</sup> JDC, by rule adopted by a majority of the judges sitting en banc, may establish a Swift and Certain Probation Pilot Program. The judicial district is authorized to provide funding for any expenses related to the administration and operation of this probation pilot program.

Proposed law further provides that any funds realized from a reduction in the amount of time a person would have been required to serve in prison if the defendant had not been placed in the program shall be appropriated to the Dept. of Public Safety and Corrections and shall be used to defray the additional operational expenses of probation and parole and reentry initiatives.

Proposed law provides that the terms of the probation pilot program shall be decided by the presiding judge or judges.

Proposed law provides that when a case is assigned to the probation pilot program, with the consent of the district attorney, the court may place the defendant on probation for a period of not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the five-year limit. If necessary to insure successful completion of the program, the court may extend the duration of the probation period. The period of probation as initially fixed or as extended shall not exceed eight years.

(Adds C.Cr.P. Art. 893(B)(1)(a)(iv)(dd) and R.S. 13:5371-5373)

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.