

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) and (b), relative to a probation pilot program in the 24th Judicial
5 District Court; to provide for the Swift and Certain Probation Pilot Program; to
6 provide for applicability; to provide for eligibility; to provide for the suspension of
7 sentence for certain cases; to provide for the effects of completion of the program;
8 to provide with respect to funds realized from participation in the program; and to
9 provide for related 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 24th
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; 24th 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) and (b) are
18 hereby 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

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.

Effective upon signature of governor or lapse of time for gubernatorial action.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provides that proposed law shall become effective upon signature of the governor.