

Regular Session, 2014

HOUSE BILL NO. 842

BY REPRESENTATIVE LEOPOLD

LAW ENFORCEMENT: Provides relative to the appointment of adult misdemeanor probation officers and their duties

1 AN ACT

2 To enact Code of Criminal Procedure Article 899(G), relative to adult misdemeanor  
3 probation officers; to provide relative to the appointing authority for adult  
4 misdemeanor probation officers; to provide relative to the powers, duties, and  
5 qualifications of an adult misdemeanor probation officer; to provide for certain  
6 immunities and defenses; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 899(G) is hereby enacted to read as  
9 follows:

10 Art. 899. Arrest or summons for violation of probation

11 \* \* \*

12 G.(1) An adult misdemeanor probation officer shall be appointed and  
13 commissioned by any judge within his respective jurisdiction, one of whom may be  
14 designated as chief probation officer or director of probation.

15 (2) Any adult misdemeanor probation officer that is P.O.S.T.-certified for  
16 the state of Louisiana shall be deemed to be a peace officer and shall have the same  
17 powers with respect to criminal matters and the enforcement of laws as sheriffs,  
18 constables, and police officers have in their respective jurisdictions. Adult  
19 misdemeanor probation officers shall have all the immunities and defenses now or  
20 hereafter made available to sheriffs, constables, and police officers in any suit

1        brought against them arising out of acts committed during the course of their  
2        employment. Any adult misdemeanor probation officer that is P.O.S.T.-certified  
3        shall maintain his current P.O.S.T.-certification and training as set forth by the  
4        Louisiana Commission of Law Enforcement and the Administration of Criminal  
5        Justice.

6                (3) Adult misdemeanor probation officers shall maintain jurisdiction over  
7        persons placed under their supervision within the boundaries of Louisiana.

8                (4) The appointing judge shall have discretion to require an adult  
9        misdemeanor probation officer to perform only administrative duties.

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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)]

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Leopold

HB No. 842

**Abstract:** Provides for the appointment of adult misdemeanor probation officers and their respective powers, duties, and qualifications.

Proposed law requires that an adult misdemeanor probation officer be appointed and commissioned by any judge within his respective jurisdiction. Proposed law authorizes the judge to designate a chief probation officer or director of probation.

Proposed law provides for any P.O.S.T.-certified adult misdemeanor probation officer to be deemed to be a peace officer with the same powers with respect to criminal matters and the enforcement of laws and the same immunities and defenses in any suit brought for actions arising out of acts committed during the course of employment, as sheriffs, constables, and police officers within their respective jurisdictions.

Proposed law requires an adult misdemeanor probation officer to maintain his current P.O.S.T.-certification and training as provided for by the La. Commission of Law Enforcement and the Administration of Criminal Justice.

Proposed law authorizes the appointing judge to limit the adult misdemeanor probation officer's duties to administrative duties.

(Adds C.Cr.P. Art. 899(G))