HLS 18RS-116 ORIGINAL

2018 Regular Session

HOUSE BILL NO. 140

1

BY REPRESENTATIVE LEGER

PROBATION: Provides for the use of supervision fees paid by offenders placed on probation or parole

AN ACT

2 To amend and reenact R.S. 15:571.21(B), 574.4.2(A)(2)(e) and (F), and 574.4.5(B) and 3 Code of Criminal Procedure Article 895.1(C), relative to probation and parole; to 4 provide relative to the supervision fees paid by offenders placed on probation or parole; to provide relative to the fee assessed by the division of probation and parole 5 6 for collection of certain monetary assessments imposed as a condition of probation 7 or parole; to provide relative to the processing fee for each case file opened by a 8 probation and parole officer; to provide relative to the use of such fees; and to 9 provide for related matters. 10 Be it enacted by the Legislature of Louisiana: 11 Section 1. R.S. 15:571.21(B), 574.4.2(A)(2)(e) and (F), and 574.4.5(B) are hereby 12 amended and reenacted to read as follows: 13 §571.21. Deposit of fees and assessments 14 15 B. For all monetary assessments imposed as a condition of probation or 16 parole except supervision fees, the division of probation and parole shall assess a 17 collection fee of ten percent of the funds due, which shall be added to the total 18 amount of funds due. The ten percent collection fee shall be appropriated to the 19 Department of Public Safety and Corrections to be reinvested in additional resources

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	for the division of probation and parole <u>including salaries for probation and parole</u>
2	officers.
3	* * *
4	§574.4.2. Decisions of committee on parole; nature, order, and conditions of parole;
5	rules of conduct; infectious disease testing
6	A.
7	* * *
8	(2) The committee may also require, either at the time of his release on
9	parole or at any time while he remains on parole, that he conform to any of the
10	following conditions of parole which are deemed appropriate to the circumstances
11	of the particular case:
12	* * *
13	(e) Pay supervision fees to the Department of Public Safety and Corrections
14	in an amount not to exceed sixty-three dollars based upon his ability to pay as
15	determined by the committee on parole. Payments Supervision fee payments are due
16	on the first day of each month and may be used to defray the cost of supervision
17	which includes salaries for probation and parole officers.
18	* * *
19	F. The collection of the supervision fee imposed pursuant to Subparagraph
20	(A)(2)(o) (A)(2)(e) of this Section shall be suspended upon the transfer of an
21	offender to another state for parole supervision in that state, pursuant to the interstate
22	compact for out-of-state parolee supervision as provided in R.S. 15:574.31 et seq.
23	* * *
24	§574.4.5. Probation and parole processing fee
25	* * *
26	B. All fees collected pursuant to this Section shall be remitted to the
27	treasurer's office on a monthly basis and may be used to defray the cost of
28	supervision which includes salaries for probation and parole officers.
29	* * *

1 Section 2. Code of Criminal Procedure Article 895.1(C) is hereby amended and 2 reenacted to read as follows: 3 Art. 895.1. Probation; restitution; judgment for restitution; fees 4 5 C. When the court places the defendant on supervised probation, it shall 6 order as a condition of probation a monthly fee of not less than sixty nor more than one hundred ten dollars payable to the Department of Public Safety and Corrections 7 8 or such other probation office, agency, or officer as designated by the court, to defray 9 the cost of supervision which includes salaries for probation and parole officers. If 10 the probation supervision services are rendered by an agency other than the 11 department, the fee may be ordered payable to that agency. These fees are only to 12 supplement the level of funds that would ordinarily be available from regular state 13 appropriations or any other source of funding.

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 140 Original

14

2018 Regular Session

Leger

Abstract: Provides that the fees collected pursuant to a person's release on probation or parole may be used for the salaries of probation and parole officers.

<u>Present law</u> provides that the committee on parole may require any prisoner released on parole to pay supervision fees to the Dept. of Public Safety and Corrections in an amount not to exceed \$63 based upon his ability to pay as determined by the committee on parole. Such payments are due on the first day of each month.

<u>Present law</u> provides for the assessment of a one-time processing fee of \$65 for each case file existing on June 30, 2009, and for each new case file opened thereafter by a probation and parole officer of the office of adult services in the Dept. of Public Safety and Corrections.

<u>Present law</u> provides that when the court places the defendant on supervised probation, it shall order as a condition of probation a monthly fee of not less than \$60 nor more than \$110 payable to the Dept. of Public Safety and Corrections or such other probation office, agency, or officer as designated by the court, to defray the cost of supervision.

For all monetary assessments, except supervision fees, imposed as a condition of probation or parole, <u>present law</u> authorizes the division of probation and parole to assess a collection fee of 10% of the funds due. The 10% collection fee shall be appropriated to the Dept. of

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Public Safety and Corrections to be reinvested in additional resources for the division of probation and parole.

<u>Proposed law</u> retains <u>present law</u> but provides that the fees collected pursuant to these provisions of <u>present law</u> may be used for the salaries of probation and parole officers.

(Amends R.S. 15:571.21(B), 574.4.2(A)(2)(e) and (F), and 574.4.5(B) and C.Cr.P. Art. 895.1(C))