

2020 Regular Session

HOUSE BILL NO. 77

BY REPRESENTATIVE DEVILLIER

PARDON/PAROLE: Provides relative to the supervision and reporting requirements of persons on probation or parole

1 AN ACT

2 To enact Subpart (2) of Part II of Chapter 5 of Title 15, to be comprised of R.S. 15:574.14,
3 and Code of Criminal Procedure Article 895(P), relative to supervision of persons
4 on probation or parole; to provide relative to the reporting requirements of persons
5 on probation or parole; to authorize the use of certain technology to comply with
6 reporting requirements; to provide certain specifications for the technology; to
7 provide relative to when the technology may be used; to authorize the Department
8 of Public Safety and Corrections to promulgate certain rules; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Subpart (2) of Part II of Chapter 5 of Title 15, comprised of R.S.
12 15:574.14, is hereby enacted to read as follows:

13 (2) PAROLEE SUPERVISION

14 §574.14. Required reporting of parolees; alternative to in-person meetings

15 A. A probation and parole officer who supervises a parolee shall schedule
16 meetings, which are required as a condition of an individual's release, at such times
17 and locations that take into consideration and accommodate the work schedule of a
18 parolee who is employed by another person or entity.

19 B. To comply with the provisions of Subsection A of this Section, in lieu of
20 requiring the parolee to appear in-person for the required reporting or meetings, the

1 probation and parole officer may utilize technology portals, including cellular
2 telephone and other electronic communication devices, that allow simultaneous voice
3 and video communication in real time between the parolee and the probation and
4 parole officer. Such technology may also be used for required reporting or meetings
5 of a parolee who is self-employed at the discretion of the parolee's probation and
6 parole officer and in accordance with any rules promulgated by the Department of
7 Public Safety and Corrections pursuant to this Section.

8 C. The Department of Public Safety and Corrections shall promulgate rules
9 in accordance with the Administrative Procedure Act to implement the provisions
10 of this Section. The rules promulgated by the department pursuant to this Section
11 shall include but are not limited to minimum standards and guidelines for the
12 authorized technology and how it may be used as well as standards for determining
13 the eligibility and suitability of parolees to meet their reporting requirements through
14 the use of such technology. The eligibility and suitability standards shall include
15 consideration of the severity of the parolee's underlying criminal conviction and the
16 parolee's criminal history, supervision level, and past supervision history.

17 Section 2. Code of Criminal Procedure Article 895(P) is hereby enacted to read as
18 follows:

19 Art. 895. Conditions of probation

20 * * *

21 P.(1) When a defendant who is on probation is employed by another person
22 or entity, the probation officer who supervises the defendant shall schedule meetings,
23 which are required as a condition as of the defendant's probation, at such times and
24 locations that take into consideration and accommodate the work schedule of the
25 defendant.

26 (2) To comply with the provisions of Subparagraph (1) of this Paragraph, in
27 lieu of requiring the defendant to appear in-person for the required reporting or
28 meetings, the probation officer may utilize technology portals, including cellular
29 telephone and other electronic communication devices, that allow simultaneous voice

1 and video communication in real time between the defendant and the probation
 2 officer. Such technology may also be used for required reporting or meetings of a
 3 defendant on probation who is self-employed at the discretion of the defendant's
 4 probation officer and in accordance with any rules promulgated by the Department
 5 of Public Safety and Corrections pursuant to this Paragraph.

6 (3) The Department of Public Safety and Corrections shall promulgate rules
 7 in accordance with the Administrative Procedure Act to implement the provisions
 8 of this Paragraph. The rules promulgated by the department pursuant to this
 9 Paragraph shall include but are not limited to minimum standards and guidelines for
 10 the authorized technology and how it may be used as well as standards for
 11 determining the eligibility and suitability of defendants on probation to meet their
 12 reporting requirements through the use of such technology. The eligibility and
 13 suitability standards shall include consideration of the severity of the defendant's
 14 underlying criminal conviction, criminal history, supervision level, and past
 15 supervision history.

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 77 Original

2020 Regular Session

DeVillier

Abstract: Provides relative to the reporting requirements of persons released on probation or parole and authorizes the use of certain technology to comply with reporting requirements.

Present law (R.S. 15:574.4.2) provides that a person who is released on parole may be required to meet with or report to the parolee's probation and parole officer when ordered to do so by the officer.

Present law (C.Cr.P. Art. 895) requires a defendant on probation to report to the defendant's probation officer as directed.

Proposed law retains present law and provides that a probation and parole officer who supervises a person released on probation or parole shall schedule meetings, which are required as a condition as of the person's release, at such times and locations that take into consideration and accommodate the work schedule of a person who is employed by another person or entity.

Proposed law further provides that to comply with the provisions of proposed law, in lieu of requiring the defendant to appear in-person for the required reporting or meetings, the

probation and parole officer may utilize technology portals, including cellular telephone and other electronic communication devices, that allow simultaneous voice and video communication in real time between the defendant and the probation officer. Proposed law authorizes the use of such technology for required reporting or meetings of a person who is self-employed at the discretion of the defendant's probation officer and in accordance with any rules promulgated by the Dept. of Public Safety and Corrections.

Proposed law requires the Dept. of Public Safety and Corrections to promulgate rules in accordance with the present law Administrative Procedure Act to implement the provisions of proposed law, including rules that set forth minimum standards and guidelines for the authorized technology and standards for determining the eligibility and suitability of persons to meet their reporting requirements through the use of such technology.

(Adds R.S. 15:574.14 and C.Cr.P. Art. 895(P))