Regular Session, 2012

HOUSE BILL NO. 122

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BY REPRESENTATIVE LOPINTO

2	To amend and reenact Children's Code Article 901.1(A) and R.S. 15:824(A) and (C),					
3	relative to probation and parole supervision fees; to provide with respect to a					
4	reduction in supervision fees for juveniles; relative to the commitment of persons to					
5	the custody of the Department of Public Safety and Corrections; to authorize the					
6	commitment of certain persons to the custody of the Department of Public Safety and					
7	Corrections prior to conviction or sentencing; to provide for the housing of those					
8	persons; to provide for reimbursement to the department; and to provide for related					
9	matters.					
10	Be it enacted by the Legislature of Louisiana:					
11	Section 1. Children's Code Article 901.1(A) is hereby amended and reenacted to					
12	read as follows:					
13	Art. 901.1. Probation and parole supervision fees					
14	A. When the court suspends the imposition or execution of sentence and					
15	places the child or his parent or both on supervised probation or grants the child					
16	supervised parole, and the probationer or parolee is to be supervised by the					
17	Department of Public Safety and Corrections or any other agency, the court shall					
18	order payment, as a condition of probation or parole, of a monthly supervision fee.					
19	The supervision fee imposed shall be not less than ten nor more than one hundred not					
20	exceed fifty dollars per month and shall be payable to the department or other					
21	supervising agency to defray the costs of supervision. These funds are only to					
22	supplement the level of funds that would ordinarily be available from regular state					
23	or other appropriations.					

AN ACT

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

HB NO. 122 ENROLLED

Section 2.	R.S. 15:824(A)	and (C) are hereb	y amended and	l reenacted	to read as
follows:					
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§824. Commitment of persons to the Department of Public Safety and Corrections

A. Notwithstanding any provision of law to the contrary, any individual subject to confinement in a state adult penal or correctional institution shall be committed to the Louisiana Department of Public Safety and Corrections and not to any particular institution within the jurisdiction of the department. The director of corrections shall assign each newly committed inmate to an appropriate penal or correctional facility. The director secretary of the department may transfer an inmate from one such facility to another, insofar as the transfer is consistent with the commitment and in accordance with treatment, training, and security needs established by the department; however, no juvenile may be transferred to a penal or correctional facility for persons committed by a court having criminal jurisdiction except in accordance with the provisions of R.S. 15:1062.

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C.(1) Notwithstanding any provision of law to the contrary, only individuals actually sentenced to death or confinement at hard labor shall be committed to the Department of Public Safety and Corrections.

- (2) However, in exceptional circumstances, an individual housed in a local parish facility awaiting trial who has not yet been convicted or who has not been sentenced to the custody of the department may be housed in a facility under the control of the department if all of the following occur:
- (a) The sheriff requests that the individual be housed in a facility under the control of the department.
- (b) The secretary of the department certifies that the sheriff has insufficient facilities to house the individuals and that the transfer is necessary to prevent danger to the individuals, other inmates, or to the public, or to provide adequate physical or mental medical treatment to the individual.
- (c) The sheriff has determined that the individuals should be housed by the department because the sheriff has insufficient facilities to house the individual and

HB NO. 122 **ENROLLED** that the transfer is necessary to prevent danger to the individual, other inmates, or to the public, or to provide adequate physical or mental medical treatment to the individual. (3) An individual housed pursuant to the provisions of Paragraph (2) of this Subsection shall be housed pursuant to specific criteria promulgated by the secretary. (4) The sheriff or the governing authority of those parishes in which the governing authority operates the local parish facility shall reimburse the department at the rate of twenty-four dollars and thirty-nine cents per day for keeping and feeding the individual in a facility under the control of the department. In addition, the sheriff or the governing authority of those parishes in which the governing authority operates the local parish facility shall reimburse the department for the cost of extraordinary medical expenses as referenced in Subparagraph (B)(1)(c) of this Section incurred for the individual housed in a facility under the control of the department. (5) The daily sum shall be paid from the date of transfer to the department facility until the individual is sentenced to confinement at hard labor or is acquitted or otherwise released from physical custody. (6) Individuals housed in a facility under the control of the department at the request of the sheriff pursuant to this Section shall be housed separate and apart from offenders who have been sentenced to confinement at hard labor. SPEAKER OF THE HOUSE OF REPRESENTATIVES

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APPROVED: __

PRESIDENT OF THE SENATE
GOVERNOR OF THE STATE OF LOUISIANA