

Regular Session, 2012  
HOUSE BILL NO. 122  
BY REPRESENTATIVE LOPINTO

# ACT No. 173

1 AN ACT

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.

24 \* \* \*

1 Section 2. R.S. 15:824(A) and (C) are hereby amended and reenacted to read as  
2 follows:

3 §824. Commitment of persons to the Department of Public Safety and Corrections

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

15 \* \* \*

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

19 (2) However, in exceptional circumstances, an individual housed in a local  
20 parish facility awaiting trial who has not yet been convicted or who has not been  
21 sentenced to the custody of the department may be housed in a facility under the  
22 control of the department if all of the following occur:

23 (a) The sheriff requests that the individual be housed in a facility under the  
24 control of the department.

25 (b) The secretary of the department certifies that the sheriff has insufficient  
26 facilities to house the individuals and that the transfer is necessary to prevent danger  
27 to the individuals, other inmates, or to the public, or to provide adequate physical or  
28 mental medical treatment to the individual.

29 (c) The sheriff has determined that the individuals should be housed by the  
30 department because the sheriff has insufficient facilities to house the individual and

1 that the transfer is necessary to prevent danger to the individual, other inmates, or to  
2 the public, or to provide adequate physical or mental medical treatment to the  
3 individual.

4 (3) An individual housed pursuant to the provisions of Paragraph (2) of this  
5 Subsection shall be housed pursuant to specific criteria promulgated by the secretary.

6 (4) The sheriff or the governing authority of those parishes in which the  
7 governing authority operates the local parish facility shall reimburse the department  
8 at the rate of twenty-four dollars and thirty-nine cents per day for keeping and  
9 feeding the individual in a facility under the control of the department. In addition,  
10 the sheriff or the governing authority of those parishes in which the governing  
11 authority operates the local parish facility shall reimburse the department for the cost  
12 of extraordinary medical expenses as referenced in Subparagraph (B)(1)(c) of this  
13 Section incurred for the individual housed in a facility under the control of the  
14 department.

15 (5) The daily sum shall be paid from the date of transfer to the department  
16 facility until the individual is sentenced to confinement at hard labor or is acquitted  
17 or otherwise released from physical custody.

18 (6) Individuals housed in a facility under the control of the department at the  
19 request of the sheriff pursuant to this Section shall be housed separate and apart from  
20 offenders who have been sentenced to confinement at hard labor.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_