

Regular Session, 2010

HOUSE BILL NO. 552

BY REPRESENTATIVE LAFONTA

PARDON/PAROLE: Provides for rights and duties of probation and parole officers

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 899(F), R.S. 15:574.8(A), and
3 R.S. 40:2531(A), relative to probation and parole officers; to provide for arrest
4 powers; to provide for the rights of law enforcement officers under investigation; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 899(F) is hereby amended and
8 reenacted to read as follows:

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

10 * * *

11 F. ~~Incidental to the supervision of probationers, probation~~ Probation officers
12 shall be deemed to be peace officers and shall have the same powers with respect to
13 criminal matters and the enforcement of the law relating thereto as sheriffs,
14 constables, and police officers have in their respective jurisdictions. They have all
15 the immunities and defenses now or hereafter made available to sheriffs, constables,
16 and police officers in any suit brought against them in consequence of acts done in
17 the course of their employment.

1 Section 2. R.S. 15:574.8(A) is hereby amended and reenacted to read as follows:

2 §574.8. Parole officers; powers of arrest; summary arrest and detention of parolees

3 A. ~~Incidental to the supervision of parolees, parole~~ Parole officers shall be
4 deemed to be peace officers and shall have the same powers with respect to criminal
5 matters and the enforcement of the law relating thereto as sheriffs, constables, and
6 police officers have in their respective jurisdictions. They have all the immunities
7 and matters of defense now available or hereafter made available to sheriffs,
8 constables, and police officers in any suit brought against them in consequence of
9 acts done in the course of their employment.

10 * * *

11 Section 3. R.S. 40:2531(A) is hereby amended and reenacted to read as follows:

12 §2531. Applicability; minimum standards during investigation; penalties for failure
13 to comply

14 A. The provisions of this Chapter shall only apply to police employees as
15 defined by R.S. 40:1372(5), Louisiana P.O.S.T. certified probation and parole
16 officers employed by the Louisiana Department of Public Safety and Corrections
17 division of probation and parole, and to those law enforcement officers employed by
18 any municipality and campus police employed at any state-supported college or
19 university who are under investigation with a view to possible disciplinary action,
20 demotion, or dismissal.

21 * * *

22 Section 4. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 effective on the day following such approval.

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)]

LaFonta

HB No. 552

Abstract: Provides that probation and parole officers have powers of arrest and full protection of the rights of law enforcement officers under investigation.

Present law provides that probation and parole officers shall be deemed to be peace officers incidental to the supervision of probationers and parolees.

Proposed law removes the limitation of probation and parole officers to the arrest of probationers and parolees.

Present law provides that the law enforcement officers' rights while under investigation apply to police employees, as defined by R.S. 40:1372(5), officers employed by a municipality, and campus police.

Proposed law extends La. P.O.S.T. to include certified probation and parole officers employed by DPS&C, division of probation and parole.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.Cr.P. Art. 899(F), R.S. 15:574.8(A), and R.S. 40:2531(A))