

Regular Session, 2011

SENATE BILL NO. 243

BY SENATOR PERRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL JUSTICE. Authorizes post certified law enforcement officers to search defendants on probation. (8/15/11)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Art. 895(A)(13)(a), relative to probation;

3 to authorize post certified law enforcement officers to search defendants on

4 probation; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Art. 895(A)(13)(a) is hereby amended and

7 reenacted to read as follows:

8 Art. 895. Conditions of probation

9 A. When the court places a defendant on probation, it shall require the

10 defendant to refrain from criminal conduct and to pay a supervision fee to defray the

11 costs of probation supervision, and it may impose any specific conditions reasonably

12 related to his rehabilitation, including any of the following. That the defendant shall:

13 * * *

14 (13)(a) Agree to searches of his person, his property, his place of residence,

15 his vehicle, or his personal effects, or any or all of them, at any time, **by a post**

16 **certified law enforcement officer, or** by the probation officer or the parole officer

17 assigned to him, with or without a warrant of arrest or with or without a search

1 warrant, when **the post certified law enforcement officer**, the probation officer or
2 the parole officer has reasonable suspicion to believe that the person who is on
3 probation is engaged in or has been engaged in criminal activity.

4 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Tim Prather.

DIGEST

Present law provides that when the court places a defendant on probation, it will require the defendant to refrain from criminal conduct and to pay a supervision fee to defray the costs of probation supervision, and it may impose any specific conditions reasonably related to his rehabilitation, including agreeing to searches of his person, his property, his place of residence, his vehicle, or his personal effects, or any or all of them, at any time, by the probation officer or the parole officer assigned to him, with or without a warrant of arrest or with or without a search warrant, when the probation officer or the parole officer has reasonable suspicion to believe that the person who is on probation is engaged in or has been engaged in criminal activity.

Proposed law provides that in addition to probation and parole officers, post certified law enforcement officers may search defendants on probation.

Effective August 15, 2011.

(Amends C.Cr.P. Art. 895(A)(13)(a))