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FLOOR DEBATE

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LR 274

LR 274CA to reduce the impact of the separation of powers issue from cooperation among branches with respect to supervision of offenders in the community where the Legislature allows such. The amendment would allow the Legislature to set the terms of the extent to which the judicial and executive branches can cooperate with respect to supervision of offenders in the community. This particular amendment would not entail taking a stand with respect to a merger between probation and parole, or which branch could be merged, one into the other. Both Senator Synowiecki, who has advocated merging those offices into the executive branch, and I have signed onto this resolution even though I have urged that the two branches should be combined in the judicial branch. It is clear to us that the judiciary will be more involved in the future in community programs, such as parole, and that the correctional and parole systems will want to cooperate with judicial officials, such as probation officers. The evidence is very strong that a judicial role in the supervision of offenders is an effective tool in situations such as drug courts and other specialized courts. Frequent appearances before a judge and in the trappings of the courtroom have been found to have a marked effect on the cooperation and success of offenders in such programs. In this amendment, we seek the ability to utilize that judicial role where appropriate at the discretion of the Legislature in situations such as parole in which our state constitution might otherwise prevent it. In addition, we anticipate continued cooperation between probation and parole even if they are never eventually merged. This resolution will make such cooperation more cost-effective and straightforward while maintaining safeguards through legislative control and oversight. These two agencies realize that they are on very similar missions and that there is much to be gained from cooperation and working together and also with the courts and the Department of Correctional Services to bring about a continuum of services for offenders. We have made great progress in terms of supervision of offenders in the community and will continue to go forward. LR 274CA would remove an obstacle and smooth the path. We believe that we have done this in a manner that is narrow and specifically to the point. There has been no opposition to this amendment and I urge your favorable consideration. Thank you.