

1 supervision incarceration program is applicable to any of those enumerated
2 crimes, then the provisions of this Section shall apply.

3 * * *

4 §574.4.4. ~~Parole; intensive parole supervision~~ Intensive incarceration
5 program; eligibility

6 A. Notwithstanding the provisions of R.S. 15:574.4(A)(1), a person,
7 ~~otherwise eligible for parole, any other provision of law, a defendant~~
8 convicted of a nonviolent first felony offense and committed to the
9 Department of Public Safety and Corrections, or of a nonviolent second
10 felony offense and committed to the Department of Public Safety and
11 Corrections, may be eligible for intensive parole supervision upon successful
12 ~~completion of to participate in the~~ intensive incarceration program. In
13 addition, any person convicted of a first or second offense for possession of
14 amphetamine or methamphetamine or cocaine or oxycodone or methadone
15 or of a first offense for distribution, dispensing, or possession with intent to
16 produce, manufacture, distribute, or dispense amphetamine or
17 methamphetamine or cocaine or oxycodone or methadone, in violation of
18 R.S. 40:967(B)(1) or R.S. 40:967(B)(4)(b) when the amount of amphetamine
19 or methamphetamine or cocaine or oxycodone or methadone involved was
20 twenty-eight grams or less, may be eligible to participate in the intensive
21 incarceration program. ~~Notwithstanding the provisions of R.S.~~
22 ~~40:967(B)(4)(b), a person otherwise eligible for participation in the intensive~~
23 ~~incarceration program may be eligible for intensive parole supervision upon~~
24 ~~successful completion of intensive incarceration.~~ The intensive incarceration
25 ~~and intensive parole supervision~~ program shall be established and
26 administered by the department. The offender may be considered for
27 participation in the program if all of the following conditions are met:

- 28 (1) The offender is sentenced to be committed to the Department of
29 Public Safety and Corrections to serve ten years or less.
- 30 (2) The department, through the division of probation and parole
31 within the office of adult services, recommends to the sentencing court that
32 the offender is particularly likely to respond affirmatively to participation in
33 the program.
- 34 (3) The court at sentencing recommends that the offender be
35 considered for participation in the program.
- 36 (4) The secretary of the department, or his designee, finds, after an
37 evaluation, that the offender is particularly likely to respond affirmatively to
38 participation in the program.
- 39 (5) The offender voluntarily enrolls in the program after having been
40 advised by the department of the rules and regulations governing
41 participation in the program.
- 42 (6) The court sentences an offender in the drug division probation
43 program pursuant to R.S. 13:5304.

44 B. ~~Notwithstanding the provisions of R.S. 15:574.4(A)(1), an~~
45 ~~offender who is otherwise eligible for intensive incarceration and intensive~~
46 ~~parole supervision, but who has not been recommended for participation in~~
47 ~~the intensive incarceration and intensive parole supervision program by the~~
48 ~~division of probation and parole or the sentencing judge, as provided for in~~
49 ~~Paragraphs (A)(2) and (3) of this Section, may additionally be placed in the~~
50 ~~intensive incarceration and intensive parole supervision program if all of the~~
51 ~~following conditions are met:~~

- 52 (1) ~~The staff at the adult reception and diagnostic center, after a~~
53 ~~thorough evaluation, determines that the offender is suitable and appropriate~~
54 ~~for participation:~~
- 55 (2) ~~The warden at the adult reception and diagnostic center concurs~~
56 ~~with the staff recommendation.~~
- 57 (3) ~~The warden of the facility where the offender would be placed~~
58 ~~concur with the recommendation of the staff and warden of the adult~~
59 ~~reception and diagnostic center.~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 ~~(4) The offender meets other conditions of participation as set forth~~
 2 ~~in Paragraphs (A)(1), (4), and (5) of this Section.~~

3 ~~C.(1) Notwithstanding the provisions of R.S. 15:574.4(A)(1), a~~
 4 ~~person, otherwise eligible for parole, convicted of a first felony offense and~~
 5 ~~committed to the Department of Public Safety and Corrections, or of a~~
 6 ~~second felony offense and committed to the Department of Public Safety and~~
 7 ~~Corrections, may be eligible for intensive parole supervision upon successful~~
 8 ~~completion of intensive incarceration. The intensive incarceration and~~
 9 ~~intensive parole supervision program shall be established and administered~~
 10 ~~by the department.~~

11 ~~(2) The court may sentence an offender directly to the program if the~~
 12 ~~court commits the offender to the Department of Public Safety and~~
 13 ~~Corrections to serve ten years or less.~~

14 ~~D.B.~~ For purposes of this Section, a "first offender" shall not have
 15 been convicted previously of another felony as provided in R.S. 15:572(C)
 16 and shall not have been granted an automatic pardon as provided in R.S.
 17 15:572(B).

18 ~~E.C.~~ The duration of intensive incarceration shall not be less than one
 19 hundred eighty calendar days.

20 ~~F.D.~~ The participating offender shall be evaluated by the program
 21 staff on a continual basis throughout the entire period of intensive
 22 incarceration. The evaluation shall include the offender's performance while
 23 incarcerated, ~~the likelihood of successful adjustment on parole, and other~~
 24 ~~factors deemed relevant by the committee on parole or the program staff.~~
 25 ~~The evaluation shall provide the basis for the recommendations by the~~
 26 ~~department to the committee on parole upon the offender's completion of~~
 27 ~~intensive incarceration. Violation of any institutional or program rules or~~
 28 ~~regulations may subject the participant to removal from the program by the~~
 29 ~~department.~~

30 ~~G.E.(1)~~ If an offender is denied entry into the intensive incarceration
 31 program for physical or mental health reasons or for failure to meet the
 32 department's suitability criteria, the department shall notify the sentencing
 33 court, and based upon the court's order, shall either return the offender to
 34 court for resentencing in accordance with the provisions of the Code of
 35 Criminal Procedure Article 881.1 or return the offender to a prison to serve
 36 the remainder of his sentence as provided by law.

37 (2) If an offender enters the intensive incarceration program and is
 38 subsequently removed for physical or mental health reasons or for failure to
 39 meet the department's suitability criteria, the department shall notify the
 40 sentencing court and, based upon the court's order, shall either return the
 41 offender to court for resentencing in accordance with the provisions of Code
 42 of Criminal Procedure Article 881.1 or return the offender to a prison to
 43 serve the remainder of his sentence as provided by law. If an offender enters
 44 the intensive incarceration program and is removed for violating any
 45 institutional or program rules or regulations, the offender shall be assigned
 46 to the general population to serve the remainder of his sentence as provided
 47 by law.

48 ~~H.~~ ~~When an offender completes intensive incarceration, the~~
 49 ~~committee on parole shall review the case of the offender and recommend~~
 50 ~~either that the offender be released on intensive parole supervision or that the~~
 51 ~~offender serve the remainder of his sentence as provided by law. When the~~
 52 ~~offender is released to intensive parole supervision by the committee, the~~
 53 ~~committee shall require the offender to comply with the following conditions~~
 54 ~~of intensive parole supervision in addition to any other conditions of parole~~
 55 ~~ordered by the committee:~~

56 ~~(1) Be subject to multiple monthly visits with his supervising officers~~
 57 ~~without prior notice.~~

58 ~~(2) Abide by any curfew set by his supervising officers.~~

1 (3) ~~Perform at least one hundred hours of unpaid community service~~
2 ~~work during the period of intensive parole supervision and, if unemployed,~~
3 ~~perform additional hours as instructed by his supervising officers.~~

4 (4) ~~Refrain from using or possessing any controlled dangerous~~
5 ~~substance or alcoholic beverage and submit, at his own expense, to screening,~~
6 ~~evaluation, and treatment for controlled dangerous substance or alcohol~~
7 ~~abuse as directed by his supervising officers.~~

8 (5) ~~Pay any costs as ordered by the sentencing court or committee on~~
9 ~~parole.~~

10 ~~I. In cases in which the committee on parole determines that there is~~
11 ~~victim opposition to parole, that the offender has a questionable disciplinary~~
12 ~~record, or that other extraordinary circumstances exist, the committee may~~
13 ~~conduct a hearing to consider intensive parole supervision for the offender~~
14 ~~having successfully completed intensive incarceration, which shall be public~~
15 ~~and conducted in the same manner as parole hearings as otherwise provided~~
16 ~~in this Part. Otherwise the decision shall be made upon the approval or~~
17 ~~disapproval of a majority of the members of the committee without necessity~~
18 ~~of a hearing, after a review of all available information on the offender,~~
19 ~~including the pre-parole report prepared by the department.~~

20 J.F. In cases in which the court sentences a defendant in the drug
21 division probation program for a technical violation of probation, the
22 offender shall return to active supervised probation with the drug division
23 probation program for a period as ordered by the court, subject to any
24 additional conditions imposed by the court.

25 ~~K. Notwithstanding the provisions of R.S. 15:574.4(A)(1), a person~~
26 ~~otherwise eligible for parole who is convicted of a nonviolent first felony~~
27 ~~offense may be committed to the Department of Public Safety and~~
28 ~~Corrections pursuant to the provisions of Code of Criminal Procedure Article~~
29 ~~895(B)(3) to serve a sentence of not more than six months without~~
30 ~~diminution of sentence in the intensive incarceration program pursuant to the~~
31 ~~provisions of this Section:~~

32 * * *

33 AMENDMENT NO. 9

34 On page 4, delete lines 28 and 29 in their entirety and insert the following:

35 (iii) For a third ~~or subsequent~~ technical violation, not more than
36 forty-five days.
37 (iv) For a fourth or subsequent technical violation, not more than
38 ninety days."

39 AMENDMENT NO. 10

40 On page 6, between lines 8 and 9, insert the following:

41 Section 3. Code of Criminal Procedure Article 901.1 is hereby amended and
42 reenacted to read as follows:

43
44 "Art. 901.1. Additional sanctions for probation revocation
45 A. Notwithstanding any other provision of law, when a defendant,
46 who is a first offender on probation with a suspended sentence for a term of
47 seven years or less at hard labor, or a second offender on probation and
48 having never served time in a state prison, has his probation revoked for any
49 reason other than a subsequent felony conviction, the court, upon the
50 recommendation of the division of probation and parole, may order that the
51 offender be committed to the Department of Public Safety and Corrections
52 and be considered for participation in the intensive incarceration ~~and~~
53 ~~intensive parole supervision~~ program as provided for in R.S. 15:574.4 R.S.

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1 15:574.4.4 or R.S. 15:574.5. If the offender committed to the custody of the
2 department participates in an intensive incarceration program of an eligible
3 parish, the department shall reimburse the sheriff's office of the parish
4 conducting the program in the amount appropriated by the legislature.

5 B. If the imposition of the sentence was suspended, the defendant
6 shall serve the sentence imposed by the court at the revocation hearing. If
7 the defendant is a first offender and receives a sentence of seven years or less
8 at hard labor, or a second offender on probation and having never served time
9 in a state prison, the court, upon recommendation of the division of probation
10 and parole, may order that the offender be committed to the department and
11 be considered for participation in the intensive incarceration ~~and intensive~~
12 ~~parole supervision~~ program as provided for in ~~R.S. 15:574.4~~ R.S. 15:574.4.4
13 or R.S. 15:574.5. If the offender committed to the custody of the department
14 participates in an intensive incarceration program as provided for in R.S.
15 15:574.5, the department shall reimburse the sheriff's office of the parish
16 conducting the program in the amount appropriated by the legislature."

17 AMENDMENT NO. 11

18 On page 6, at the beginning of line 9, change "Section 3." to "Section 4."