

2022 Regular Session

HOUSE BILL NO. 282

BY REPRESENTATIVE MARINO

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AN ACT

To amend and reenact R.S. 13:5304(B)(3)(b) and Code of Criminal Procedure Article 893(B)(3), relative to probation programs; to provide relative to the probation period for certain defendants who participate in a drug division probation program; to provide relative to the supervision of defendants on probation in specialty court programs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5304(B)(3)(b) is hereby amended and reenacted to read as follows:

§5304. The drug division probation program

* * *

B. Participation in probation programs shall be subject to the following provisions:

* * *

(3) In offering a defendant the opportunity to request treatment, the court shall advise the defendant of the following:

* * *

(b) If the defendant requests to undergo treatment and is accepted, the defendant will be placed under the supervision of the drug division probation program for a period of determined by the court, except that the probation period for a defendant convicted of a violation of R.S. 14:98, 98.1, 98.2, or 98.3 shall not be less than twelve months.

* * *

1 Section 2. Code of Criminal Procedure Article 893(B)(3) is hereby amended and
2 reenacted to read as follows:

3 Art. 893. Suspension and deferral of sentence and probation in felony cases

4 * * *

5 B.

6 * * *

7 (3) When suspension is allowed under this Paragraph, the defendant shall be
8 placed on probation under the supervision of the division of probation and parole.
9 If the defendant has been sentenced to complete a specialty court program as
10 provided in Subsubparagraph (2)(b) of this Paragraph, the defendant may be placed
11 on probation under the supervision of a probation office, agency, or officer
12 designated by the court, other than the division of probation and parole of the
13 Department of Public Safety and Corrections. The period of probation shall be
14 specified and shall not be more than three years, except as provided in Paragraph G
15 of this Article. The suspended sentence shall be regarded as a sentence for the
16 purpose of granting or denying a new trial or appeal.

17 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____