

ACT No. 676

2016 Regular Session

HOUSE BILL NO. 1052

BY REPRESENTATIVE HENRY

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 893(B)(1)(b) and to enact
3 Chapter 33-C of Title 13 of the Louisiana Revised Statutes of 1950, comprised of
4 R.S. 13:5371 through 5373, and Code of Criminal Procedure Article
5 893(B)(1)(a)(iv)(dd), relative to a probation pilot program in the 24th Judicial District
6 Court; to provide for the Swift and Certain Probation Pilot Program; to provide for
7 applicability; to provide for eligibility; to provide for the suspension of sentence for
8 certain cases; to provide for the effects of completion of the program; to provide with
9 respect to funds realized from participation in the program; and to provide for related
10 matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Chapter 33-C of Title 13 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 13:5371 through 5373, is hereby enacted to read as follows:

14 CHAPTER 33-C. SWIFT AND CERTAIN PROBATION PILOT PROGRAM

15 §5371. Creation

16 The provisions of this Chapter are to create a pilot program in the 24th
17 Judicial District Court entitled the Swift and Certain Probation Pilot Program.

18 §5372. Goals of the Swift and Certain Probation Pilot Program

19 The goals of the Swift and Certain Probation Pilot Program created under this
20 Chapter include the following:

- 21 (1) To reduce alcoholism and drug abuse and dependency among offenders.
22 (2) To reduce the number of new crimes.
23 (3) To reduce criminal recidivism.

1 (4) To reduce the alcohol- and drug-related workload of the courts.

2 (5) To increase the personal, familial, and societal accountability of
 3 offenders.

4 (6) To promote effective interaction and use of resources among criminal
 5 justice personnel and community agencies.

6 (7) To reduce the overcrowding of prisons.

7 §5373. Swift and Certain Probation Pilot Program; 24th Judicial District Court;
 8 creation

9 A. The 24th Judicial District Court, by rule adopted by a majority of the
 10 judges sitting en banc, may establish the Swift and Certain Probation Pilot Program
 11 to be administered by the presiding judge or judges of a special division of court
 12 established by the court or any judge of the district court if the presiding judge or
 13 judges are unavailable. The judicial district is authorized to provide funding for any
 14 expenses related to the administration and operation of the pilot program.

15 B. Any funds realized from a reduction in the amount of time a person would
 16 have been required to serve in prison if the defendant had not been placed on
 17 probation as provided by this Chapter shall be appropriated to the Department of
 18 Public Safety and Corrections and shall be used to defray the additional operational
 19 expenses of probation and parole and reentry initiatives. The Department of Public
 20 Safety and Corrections shall measure and document cost savings from the
 21 implementation of this Chapter and provide information to the legislature regarding
 22 the estimated savings annually.

23 C. The terms of the probation pilot program shall be decided by the presiding
 24 judge or judges, which shall be in conformity with the principles of the original
 25 Hawaii Opportunity Probation with Enforcement (HOPE) program. Probationers in
 26 the program receive swift, predictable, and immediate sanctions typically resulting
 27 in several days in jail for each detected violation, such as drug use or missed
 28 appointments with a probation officer. Sanctions imposed pursuant to this Chapter
 29 shall be served without diminution of sentence or credit for time served.

1 D. The court may impose the conditions of the probation pilot program on
2 any defendant placed on probation pursuant to Code of Criminal Procedure Article
3 893.

4 E. Nothing in this Section shall be construed to limit the judge's authority
5 over an offender on probation.

6 Section 2. Code of Criminal Procedure Article 893(B)(1)(b) is hereby amended and
7 reenacted and Code of Criminal Procedure Article 893(B)(1)(a)(iv)(dd) is hereby enacted
8 to read as follows:

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

10 * * *

11 B.(1)(a) The court may suspend, in whole or in part, the imposition or
12 execution of the sentence when the following conditions exist:

13 * * *

14 (iv) The court orders the defendant to do any of the following:

15 * * *

16 (dd) Enter and complete the Swift and Certain Probation Pilot Program
17 established pursuant to R.S. 13:5371 et seq. When a case is assigned to this pilot
18 program, with the consent of the district attorney, the court may place the defendant
19 on probation for a period of not less than one year and not more than eight years if
20 the court determines that successful completion of the program may require that
21 period of probation to exceed the five-year limit. If necessary to ensure successful
22 completion of the program, the court may extend the duration of the probation
23 period. The period of probation as initially fixed or as extended shall not exceed
24 eight years.

25 (b) When suspension is allowed under this Paragraph, the defendant shall be
26 placed on probation under the supervision of the division of probation and parole.
27 The period of probation shall be specified and shall not be less than two years nor
28 more than five years, except as provided in Subitems (a)(iv)(aa), ~~and (bb)~~, and (dd)

1 of this Subparagraph. The suspended sentence shall be regarded as a sentence for the
2 purpose of granting or denying a new trial or appeal.

3 * * *

4 Section 3. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____