

Regular Session, 2009

HOUSE BILL NO. 225

BY REPRESENTATIVES LOPINTO AND GARY SMITH AND SENATOR GUILLORY

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

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 894.2(A) and (G), relative to
3 sentencing in criminal cases; to provide with respect to home incarceration; to
4 authorize home incarceration either in lieu of imprisonment or in addition to a term
5 of imprisonment; to increase the maximum number of years a defendant may be
6 sentenced to home incarceration for a felony; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 894.2(A) and (G) are hereby amended
9 and reenacted to read as follows:

10 Art. 894.2. Home incarceration; requirements

11 A. Notwithstanding any other provision of law to the contrary, a defendant
12 may be sentenced to home incarceration ~~in lieu of imprisonment~~ under the following
13 conditions:

14 (1) The defendant is eligible for probation or was convicted of a
15 misdemeanor or a felony punishable with or without hard labor.

16 (2) In felony cases, either:

17 (a) ~~The~~ the Department of Public Safety and Corrections, through the
18 division of probation and parole, recommends home incarceration of the defendant
19 and specific conditions of that home incarceration; ~~or,~~

20 (b) ~~The~~ the district attorney recommends home incarceration; ~~or,~~
21 ~~after contradictory hearing, the court determines that home incarceration would serve~~
22 ~~the best interests of justice.~~

23 (3) The court determines, after a contradictory hearing, that home
24 incarceration of the defendant is more suitable than imprisonment or supervised

