

Regular Session, 2009

ACT No. 159

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

