

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 215 by Senator Mount

1 AMENDMENT NO. 1

2 On page 2, line 26, after "offender," delete the remainder of the line and insert "after serving
3 the mandatory sentence required by Subparagraph (E)(1)(a)."

4 AMENDMENT NO. 2

5 On page 2, at the beginning of line 27, delete "two years which must be served."

6 AMENDMENT NO. 3

7 On page 3, delete lines 7 through 24 in their entirety, and insert the following:

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

10 (i) The sentence is imposed for a third conviction of any of the
11 following:

12 (aa) A noncapital felony for which a defendant could have his
13 sentence suspended under Paragraph A of this Article had the conviction
14 been for a first or second offense.

15 (bb) A violation of the Uniform Controlled Dangerous Substances
16 Law.

17 (cc) A violation of R.S. 14:98 (operating a vehicle while intoxicated).

18 (ii) It appears that suspending the sentence is in the best interest of
19 the public and the defendant.

20 (iii) The district attorney consents to the suspension of the sentence.

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

22 (aa) Enter and complete a program provided by the drug division of
23 the district court pursuant to R.S. 13:5301, et seq.

24 (bb) Enter and complete an established DWI court program, as
25 agreed upon by the trial court and the district attorney.

26 (cc) Reside for a minimum period of one year in a facility which
27 conforms to the Judicial Agency Referral Residential Facility Regulatory Act
28 as provided in R.S. 40:2852. After third conviction of a noncapital felony for
29 which a defendant could have his sentence suspended under Paragraph A of
30 this Article if such conviction were for a first or second offense or for a
31 violation of the Uniform Controlled Dangerous Substances Law, and when
32 it appears that the best interest of the public and the defendant will be served,
33 and with the consent of the district attorney, the court may suspend, in whole
34 or in part, the imposition or execution of the sentence, provided the defendant
35 enters and completes a drug court program as defined in R.S. 13:5301 et seq.

36 (b) When suspension is allowed under this Paragraph, the defendant
37 shall be placed on probation under the supervision of the division of
38 probation and parole. The period of probation shall be specified and shall not
39 be less than two years nor more than five years. The suspended sentence
40 shall be regarded as a sentence for the purpose of granting or denying a new
41 trial or appeal."