

Regular Session, 2014

SENATE BILL NO. 398

BY SENATOR MILLS AND REPRESENTATIVE EDWARDS

CONTROL DANGER SUBSTANCE. Provides relative to eligibility for a drug division probation program. (8/1/14)

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AN ACT

To amend and reenact R.S. 13:5304(B)(10), relative to drug courts; to provide relative to eligibility for a drug division probation program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5304(B)(10) 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:

* * *

(10) In order to be eligible for the drug division probation program, the defendant must satisfy each of the following criteria:

~~(a) The defendant cannot have any prior felony convictions for any offenses defined as crimes of violence in R.S. 14:2(B).~~

~~(b) The crime before the court cannot be a crime of violence as defined in R.S. 14:2(B), including domestic violence.~~

~~(c)~~ **(b)** Other criminal proceedings alleging commission of a crime of

1 violence as defined in R.S. 14:2(B) cannot be pending against the defendant.

2 ~~(d) Repealed by Acts 2013, No. 389, §5, eff. August 1, 2013.~~

3 ~~(e)~~ **(c)** The crime before the court cannot be a charge of driving under the

4 influence of alcohol or any other drug or drugs that resulted in the death of a person.

5 ~~(f) Repealed by Acts 2013, No. 389, §5, eff. August 1, 2013.~~

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

Mills (SB 398)

Present law provides relative to drug divisions of district courts. Present law further provides for drug division probation for certain offenders.

Present law provides that in order to be eligible for the drug division probation program, the defendant must satisfy each of the following criteria:

- (1) The defendant cannot have any prior felony convictions for any offenses defined as crimes of violence in present law.
- (2) The crime before the court cannot be a crime of violence as defined in present law.
- (3) Other criminal proceedings alleging commission of a crime of violence as defined in present law cannot be pending against the defendant.

Proposed law deletes the prohibition against a defendant with a prior felony conviction of a crime of violence being eligible for a drug division probation program.

Proposed law otherwise retains present law.

Effective August 1, 2014.

(Amends R.S. 13:5304(B)(10))