

Regular Session, 2014

HOUSE BILL NO. 1157

BY REPRESENTATIVE BADON

CORRECTIONS: Amends provisions of law regarding intensive parole supervision

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 895(B)(3) and 900(A)(6)(a),
3 relative to probation; to increase the length of time a person may serve in intensive
4 incarceration as a condition of probation; to provide for sanctions for violations of
5 conditions of probation; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Articles 895(B)(3) and 900(A)(6)(a) are
8 hereby amended and reenacted to read as follows:

9 Art. 895. Conditions of probation

10 * * *

11 B.

12 * * *

13 (3) In felony cases, an additional condition of the probation may be that the
14 defendant be ordered to be committed to the custody of the Department of Public
15 Safety and Corrections and be required to serve a sentence of not more than ~~six~~
16 twelve months without diminution of sentence in the intensive incarceration program
17 pursuant to the provisions of ~~R.S. 15:574.4.1~~ R.S. 15:574.4.4. Upon successful
18 completion of the program, the defendant shall return to supervised probation for a
19 period of time as ordered by the court, subject to any additional conditions imposed
20 by the court and under the same provisions of law under which the defendant was

1 originally sentenced. If an offender is denied entry into the intensive incarceration
2 program for physical or mental health reasons or for failure to meet the department's
3 suitability criteria, the department shall notify the sentencing court, and the offender
4 shall be resentenced in accordance with the provisions of Code of Criminal Procedure
5 Article 881.1.

6 * * *

7 Art. 900. Violation hearing; sanctions

8 A. After an arrest pursuant to Article 899, the court shall cause a defendant
9 who continues to be held in custody to be brought before it within thirty days for a
10 hearing. If a summons is issued pursuant to Article 899, or if the defendant has been
11 admitted to bail, the court shall set the matter for a violation hearing within a
12 reasonable time. The hearing may be informal or summary. If the court decides that
13 the defendant has violated, or was about to violate, a condition of his probation it
14 may:

15 * * *

16 (6)(a) Notwithstanding the provisions of Subparagraph (A)(5) of this Article,
17 any defendant who has been placed on probation by the drug division probation
18 program pursuant to R.S. 13:5304, and who has had his probation revoked under the
19 provisions of this Article for a technical violation of drug division probation as
20 determined by the court, may be ordered to be committed to the custody of the
21 Department of Public Safety and Corrections and be required to serve a sentence of
22 not more than ~~six~~ twelve months without diminution of sentence in the intensive
23 incarceration program pursuant to the provisions of ~~R.S. 15:574.4.1~~ R.S. 15:574.4.4.
24 Upon successful completion of the program, the defendant shall return to active,
25 supervised probation with the drug division probation program for a period of time
26 as ordered by the court, subject to any additional conditions imposed by the court and
27 under the same provisions of law under which the defendant was originally sentenced.
28 If an offender is denied entry into the intensive incarceration program for physical or
29 mental health reasons or for failure to meet the department's suitability criteria, the

1 department shall notify the sentencing court for resentencing in accordance with the
2 provisions of the Code of Criminal Procedure Article 881.1.

3 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Badon

HB No. 1157

Abstract: Authorizes a twelve-month sentence in the intensive incarceration program for certain persons.

Present law provides for an intensive incarceration program.

Present law provides that a defendant in a felony case may be ordered to serve not more than six months in the intensive incarceration program.

Present law provides that a defendant who is placed on probation by the drug division probation program and whose probation is revoked for a technical violation may be required to serve not more than six months in the intensive incarceration program.

Proposed law retains present law except it increases the length of time a person may be ordered to participate in the program from not more than six months to not more than one year.

(Amends C.Cr.P. Arts. 895(B)(3) and 900(A)(6)(a))