

Regular Session, 2014

HOUSE BILL NO. 681

BY REPRESENTATIVES THIERRY AND KATRINA JACKSON

PROBATION: Amends the definition of "technical violation" for the purposes of imposition of administrative sanctions and probation violations

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 899.1(D) and
3 900(A)(6)(c)(i)(bb), relative to violations of probation conditions; to amend the
4 definition of "technical violations" for the purposes of administrative sanctions and
5 violations of probation conditions; to amend the definition of "technical violations"
6 to include misdemeanor possession of marijuana or tetrahydrocannabinol, or
7 chemical derivatives thereof; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Articles 899.1(D) and 900(A)(6)(c)(i)(bb)
10 are hereby amended and reenacted to read as follows:

11 Art. 899.1. Administrative sanctions for technical violations

12 * * *

13 D. For purposes of this Article, "technical violation" means any violation of
14 a condition of probation, except for an allegation of a subsequent criminal act.
15 Notwithstanding any provision of law to the contrary, if the subsequent alleged
16 criminal act is misdemeanor possession of marijuana or tetrahydrocannabinol, or
17 chemical derivatives thereof, as provided in R.S. 40:966(E)(1), it shall be considered
18 a "technical violation".

1 Art. 900. Violation hearing; sanctions

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

9 * * *

10 (6)

11 * * *

12 (c) A "technical violation", as used in this Paragraph, means any violation
13 except it shall not include any of the following:

14 (i) Being arrested, charged, or convicted of any of the following:

15 * * *

16 (bb) A violation of any provision of Title 40 of the Louisiana Revised
17 Statutes of 1950, except for misdemeanor possession of marijuana or
18 tetrahydrocannabinol, or chemical derivatives thereof, as provided in R.S.
19 40:966(E)(1) which shall be considered a "technical violation".

20 * * *

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)]

Thierry

HB No. 681

Abstract: Amends the definition of "technical violations" to include misdemeanor possession of marijuana or tetrahydrocannabinol, or chemical derivatives thereof, for purposes of imposition of administrative sanctions and probation violations.

For purposes of imposition of administrative sanctions and probation violations, present law defines "technical violation" as any violation except that it shall not include being arrested, charged, or convicted of any violation of the Uniform Controlled Dangerous Substances Law.

Proposed law amends the definition of "technical violation" to include a violation of misdemeanor possession of marijuana or tetrahydrocannabinol, or chemical derivatives thereof.

(Amends C.Cr.P. Art. 899.1(D) and 900(A)(6)(c)(i)(bb))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Removed misdemeanor possession of synthetic cannabinoids from the proposed law definition of "technical violation".
2. Changed the lead author.