
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)]

Lopinto

HB No. 1257

Abstract: Provides for the procedures by which conditions or probation may be modified, changed, or discharged, and provides procedures by which a defendant's probation may be terminated.

Present law (C.Cr.P. Art. 896) authorizes the court to modify, change, or discharge the conditions of a defendant's probation, or to add further conditions.

Present law (C.Cr.P. Art. 897) authorizes the court to terminate the defendant's probation or suspended sentence at any time in misdemeanor cases and after one year of probation in felony cases.

Proposed law amends present law to provide for the following:

- (1) The court may, at any time during the probation period, modify, change, or discharge the probation conditions if the state has previously provided written verification that it has no opposition to a modification, change, or discharge, or after a contradictory hearing with the state.
- (2) The court may, at any time during the probation period, impose additional conditions of probation authorized by present law without a contradictory hearing with the state.
- (3) In a felony case, the court may terminate the defendant's probation, early or as unsatisfactory, and discharge him at any time after the expiration of one year of probation if the state has previously provided written verification that it has no opposition to the termination of probation, or after a contradictory hearing with the state.
- (4) In a misdemeanor case, the court may terminate the defendant's suspended sentence or probation and discharge him at any time if the termination or discharge is ordered in open court and the state is present and has been afforded an opportunity to participate in a contradictory hearing on the matter.
- (5) If the court orders a contradictory hearing on the issue of the modification, change, or discharge of probation conditions or on the termination of a defendant's probation in a felony case, the court shall provide notice of the hearing to the defendant at least fifteen days prior to the hearing date.

(Amends C.Cr.P. Arts. 896 and 897)