

ACT No. 275

HOUSE BILL NO. 1257 (Substitute for House Bill No. 327 by Representative Lopinto)

BY REPRESENTATIVE LOPINTO

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 896 and 897, relative to
3 probation; to provide for a procedure by which conditions of probation may be
4 modified, changed, or discharged; to provide for a procedure by which a defendant's
5 probation may be terminated; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Articles 896 and 897 are hereby amended
8 and reenacted to read as follows:

9 Art. 896. Modifying or changing conditions of probation

10 A. The court may, at any time during the probation period, modify, change,
11 or discharge the conditions of probation, ~~or add further conditions authorized by~~
12 ~~Article 895~~ when either of the following occur:

13 (1) The state has previously provided written verification that it has no
14 opposition to a modification, change, or discharge of the conditions of probation.

15 (2) A contradictory hearing with the state, set by the court, has been held.
16 The court shall provide notice of the hearing to the state at least fifteen days prior to
17 the hearing date.

18 B. The court may, at any time during the probation period, impose additional
19 conditions of probation authorized by Article 895 without a contradictory hearing
20 with the state.

21 Art. 897. Termination of probation or suspended sentence; discharge of defendant

22 A. In a felony case, the court may terminate the defendant's probation, early
23 or as unsatisfactory, and discharge him at any time after the expiration of one year
24 of probation when either of the following occur:

1 (1) The state has previously provided written verification that it has no
2 opposition to the termination of the probation.

3 (2) A contradictory hearing with the state, set by the court, has been held.
4 The court shall provide notice of the hearing to the state at least fifteen days prior to
5 the hearing date.

6 B. In a misdemeanor case, the court may terminate the defendant's suspended
7 sentence or probation and discharge him at any time when all of the following
8 conditions are met:

9 (1) The termination or discharge is ordered in open court.

10 (2) The state is present at the time the termination or discharge is ordered
11 and has been afforded an opportunity to participate in a contradictory hearing on the
12 matter.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____