2016 Regular Session

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HOUSE BILL NO. 172

## BY REPRESENTATIVE JEFFERSON

2	To amend and reenact Code of Criminal Procedure Article 900(A)(6)(b), relative to
3	technical parole violations; to provide for earning of credit for time served prior to
4	revocation; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. Code of Criminal Procedure Article 900(A)(6)(b) is hereby amended and
7	reenacted to read as follows:
8	Art. 900. Violation hearing; sanctions
9	A. After an arrest pursuant to Article 899 of this Code, the court shall cause
10	a defendant who continues to be held in custody to be brought before it within thirty
11	days for a hearing. If a summons is issued pursuant to Article 899 of this Code, or
12	if the defendant has been admitted to bail, the court shall set the matter for a
13	violation hearing within a reasonable time. The hearing may be informal or
14	summary. If the court decides that the defendant has violated, or was about to
15	violate, a condition of his probation it may:
16	* * *
17	(6)
18	* * *
19	(b) Notwithstanding the provisions of Subparagraph (A)(5) of this Article,
20	any defendant who has been placed on probation by the court for the conviction of
21	an offense other than a crime of violence as defined in R.S. 14:2(B) or of a sex
22	offense as defined in R.S. 15:541(24), and who has had his probation revoked under
23	the provisions of this Article for his first technical violation of his probation as
24	determined by the court, shall be required to serve a sentence of not more than ninety

AN ACT

Page 1 of 2

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

HB NO. 172 ENROLLED

days without diminution of sentence or credit for time served prior to the revocation for a technical violation. The defendant shall be given credit for time served prior to the revocation hearing for time served in actual custody while being held for a technical violation in a local detention facility, state institution, or out-of-state institution pursuant to Code of Criminal Procedure Article 880. The term of the revocation for a technical violation shall begin on the date the court orders the revocation. Upon completion of the imposed sentence for the technical revocation, the defendant shall return to active and supervised probation for a period equal to the remainder of the original period of probation subject to any additional conditions imposed by the court. The provisions of this Paragraph shall apply only to the defendant's first revocation for a technical violation.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES	
PRESIDENT OF THE SENATE	

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

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