
DIGEST

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HB 537 Engrossed

2018 Regular Session

Marino

Abstract: Authorizes suspension of sentence for noncapital felony offenses when certain conditions are met, and authorizes the extension of probation and prohibits earning of compliance credits for persons ordered to enter and complete certain specialty court programs.

Present law authorizes the court to suspend a sentence and place a defendant on probation after a first, second, or third conviction for a noncapital felony. The period of probation shall be specified and shall not be more than three years.

Present law further provides that the court, under certain circumstances, may suspend the sentence and place a defendant on probation after a fourth conviction of operating a vehicle while intoxicated if certain conditions are met:

- (1) The defendant was not offered such alternatives prior to his fourth conviction of operating a vehicle while intoxicated.
- (2) The district attorney consents to the suspension of the sentence.
- (3) The court orders the defendant to do any of the following:
 - (a) Enter and complete a program provided by the drug division of the district court pursuant to present law.
 - (b) Enter and complete an established driving while intoxicated court or sobriety court program.
 - (c) Reside for a minimum period of one year in a facility which conforms to the present law Judicial Agency Referral Residential Facility Regulatory Act.
 - (d) Enter and complete the Swift and Certain Probation Pilot Program established pursuant to present law.

In this regard, present law provides that the period of probation shall be specified and shall not exceed three years, unless the court determines that successful completion of the program may require the period of probation to exceed the three-year limit, up to eight years.

Proposed law amends present law to authorize the court to suspend the sentence and a place a

defendant on probation for either of the following when the conditions provided in present law are met:

- (1) A fourth conviction of any noncapital felony offense.
- (2) A third or fourth offense of operating a vehicle while intoxicated.

In addition, proposed law adds the following to the list of programs that the court may order the defendant to enter and complete: a mental health court program, a Veterans Court program, and a reentry court program.

Present law provides that if the court, with the consent of the district attorney, orders a defendant, upon a third conviction or fourth felony conviction, to enter and complete any of the following present law programs, the court may place the defendant on probation for a period of not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the three-year limit: a program provided by the drug division of the district court, an established driving while intoxicated court or sobriety court program, a mental health court program, a Veterans Court program, a reentry court program, or the Swift and Certain Probation Pilot Program.

Proposed law expands present law to allow the court to extend the period of probation beyond the three-year limit, up to eight years, for a first, second, third, or fourth conviction, for which present law allows the suspension of sentence, if the defendant is ordered to complete any of the programs set forth in present law.

Present law provides that every defendant placed on probation and every defendant released on parole, except for those defendants convicted of a crime of violence or sex offense, shall earn a diminution of probation or parole term, to be known as "earned compliance credits", by good behavior.

Proposed law amends present law to provide that a defendant placed on probation who is ordered to enter and complete a specialty court program is not eligible to receive earned compliance credits, and to provide that a defendant who is required to enter and complete a reentry court program as a condition of his release on parole is not eligible to receive earned compliance credits.

(Amends R.S. 15:574.6.1(A) and C.Cr.P. Arts. 893(B)(1)(intro. para.) and (b)(iii) and (iv) and (G) and 895.6(A); Adds C.Cr.P. Art. 893(B)(1)(b)(v), (vi), and (vii))

Summary of Amendments Adopted by House

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

1. Authorize the court to suspend the sentence for a third or fourth conviction of operating a vehicle while intoxicated if certain conditions are met including consent of the district

attorney and the requirement that the defendant participate in a specialty court program.

2. Add that a defendant who is ordered to enter and complete a specialty court program is not eligible to receive earned compliance credits.
3. Add that a defendant who, as a condition of parole, is required to enter and complete a reentry court program is not eligible to receive earned compliance credits.