

2025 Regular Session

HOUSE BILL NO. 214

BY REPRESENTATIVE VILLIO

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 900(A)(6)(e)(i)(bb) and 901(A)
3 and to enact Code of Criminal Procedure Article 901(D), relative to probation; to
4 provide relative to revocation of probation; to provide relative to a technical
5 violation of probation; to provide for an exception; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Articles 900(A)(6)(e)(i)(bb) and 901(A) are
9 hereby amended and reenacted and Code of Criminal Procedure Article 901(D) is hereby
10 enacted to read as follows:

11 Art. 900. Violation hearing; sanctions

12 A. After an arrest pursuant to Article 899, the court shall cause a defendant
13 who continues to be held in custody to be brought before it within thirty days for a
14 hearing. If a summons is issued pursuant to Article 899, or if the defendant has been
15 admitted to bail, the court shall set the matter for a violation hearing within a
16 reasonable time. The hearing may be informal or summary. The defendant may
17 choose, with the court's consent, to appear at the violation hearing and stipulate the
18 revocation by simultaneous audio-visual transmission in accordance with the

provisions of Article 562. If the court decides that the defendant has violated, or was about to violate, a condition of his probation, it may:

* * *

(6)

* * *

(e) None of the following, unless deemed a technical violation by the court when its discretion is permitted, shall be considered a technical violation nor addressed by administrative sanctions:

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

* * *

(bb) A violation of any provision of Title 40 of the Louisiana Revised Statutes of 1950, except for misdemeanor possession of marijuana, ~~or tetrahydrocannabinol, or chemical derivatives thereof;~~ as provided in R.S. 40:966(C)(2) or any prohibited act involving drug paraphernalia as provided in R.S. 40:1023, which shall be considered a "technical violation".

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Art. 901. Revocation for commission of another offense

A. In addition to the grounds for revocation of probation enumerated in ~~Louisiana Code of Criminal Procedure~~ Article 900, ~~when~~ a defendant who is on probation for a felony who subsequently commits or and is convicted of a felony under the laws of this state, ~~or under the laws of~~ another state, the United States, or the District of Columbia, ~~or is convicted of a misdemeanor under the provisions of Title 14 of the Louisiana Revised Statutes of 1950, or is convicted of a misdemeanor under the provisions of the Uniform Controlled Dangerous Substances Law contained in Title 40 of the Louisiana Revised Statutes of 1950;~~ and which if committed in this state would be a felony, shall have his probation ~~may be~~ revoked as of the date of the commission of the felony or final conviction of the felony ~~or misdemeanor.~~

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