
DIGEST

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White

HB No. 292

Abstract: Provides that when a defendant has successfully completed all of the conditions of his probation set forth by a drug court probation program, his prosecution may be dismissed with the concurrence of the district attorney and have the effect of an acquittal, except in any subsequent prosecution of the defendant as a multiple offender as it relates to the laws of cumulation of offenses.

Present law provides that at the conclusion of a probationary period when the defendant has successfully completed the guidelines of his probation, the court may set the conviction aside and dismiss the prosecution.

Present law provides that the dismissal of this prosecution has the same effect of an acquittal, except where it applies to subsequent prosecution of the defendant as a multiple offender and as it applies to the laws relating to cumulation of offenses.

Proposed law retains present law and includes defendants who have completed drug court division probation.

Proposed law requires that the dismissal of prosecution and setting aside of the conviction may only occur with concurrence of the district attorney.

Proposed law provides that dismissal of prosecution as provided for in proposed law shall occur only once with respect to any person.

Proposed law is remedial and is to be applied retroactively.

(Adds C.Cr.P. Art. 893(E)(3))

Summary of Amendments Adopted by House

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

1. Requires the concurrence of the district attorney in order to set aside the conviction and dismiss the prosecution.