Regular Session, 2014

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HOUSE BILL NO. 1157

BY REPRESENTATIVE BADON

1	AN ACT							
2	To amend and reenact Code of Criminal Procedure Articles 895(B)(3) and 900(A)(6)(a),							
3	relative to probation; to increase the length of time a person may serve in intensive							
4	incarceration as a condition of probation; to provide for sanctions for violations of							
5	conditions of probation; and to provide for related matters.							
6	Be it enacted by the Legislature of Louisiana:							
7	Section 1. Code of Criminal Procedure Articles 895(B)(3) and 900(A)(6)(a) are							
8	hereby amended and reenacted to read as follows:							
9	Art. 895. Conditions of probation							
10	* * *							
11	В.							
12	* * *							
13	(3) In felony cases, an additional condition of the probation may be that the							
14	defendant be ordered to be committed to the custody of the Department of Public Safety							
15	and Corrections and be required to serve a sentence of not more than six twelve months							
16	without diminution of sentence in the intensive incarceration program pursuant to the							
17	provisions of R.S. 15:574.4.1 R.S. 15:574.4.4. Upon successful completion of the							

program, the defendant shall return to supervised probation for a period of time as ordered

by the court, subject to any additional conditions imposed by the court and under the same

provisions of law under which the defendant was originally sentenced. If an offender is

denied entry into the intensive incarceration program for physical or mental health

reasons or for failure to meet the department's suitability criteria, the department shall

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notify the sentencing court, and the offender shall be resentenced in accordance with the provisions of Code of Criminal Procedure Article 881.1.

3 * * *

Art. 900. Violation hearing; sanctions

A. After an arrest pursuant to Article 899, the court shall cause a defendant who continues to be held in custody to be brought before it within thirty days for a hearing. If a summons is issued pursuant to Article 899, or if the defendant has been admitted to bail, the court shall set the matter for a violation hearing within a reasonable time. The hearing may be informal or summary. If the court decides that the defendant has violated, or was about to violate, a condition of his probation it may:

* * *

(6)(a) Notwithstanding the provisions of Subparagraph (A)(5) of this Article, any defendant who has been placed on probation by the drug division probation program pursuant to R.S. 13:5304, and who has had his probation revoked under the provisions of this Article for a technical violation of drug division probation as determined by the court, may be ordered to be committed to the custody of the Department of Public Safety and Corrections and be required to serve a sentence of not more than six twelve months without diminution of sentence in the intensive incarceration program pursuant to the provisions of R.S. 15:574.4.1 R.S. 15:574.4.4. Upon successful completion of the program, the defendant shall return to active, supervised probation with the drug division probation program for a period of time as ordered by the court, subject to any additional conditions imposed by the court and under the same provisions of law under which the defendant was originally sentenced. If an offender is denied entry into the intensive incarceration program for physical or mental health reasons or for failure to meet the department's suitability criteria, the department shall notify the sentencing court for

1	resentencing in accordance with the provisions of the Code of Criminal Procedure Article								
2	881.1.								
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APPROVED: