

2016 Regular Session

ACT No. 230

HOUSE BILL NO. 1141 (Substitute for House Bill No. 408 by Representative Hazel)

BY REPRESENTATIVES HAZEL, ARMES, BAGLEY, BERTHELOT, BILLIOT, CHAD BROWN, GARY CARTER, ROBBY CARTER, CHANEY, COUSSAN, COX, CROMER, DAVIS, DWIGHT, EDMONDS, FOIL, GAROFALO, GISCLAIR, HAVARD, HILFERTY, HODGES, HOFFMANN, HORTON, HOWARD, MIKE JOHNSON, JONES, MACK, MAGEE, MORENO, JAY MORRIS, POPE, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SHADOIN, SIMON, THIBAUT, AND WILLMOTT AND SENATORS CARTER, MILLS, MORRELL, PETERSON, GARY SMITH, AND TARVER

1 AN ACT

2 To amend and reenact R.S. 13:5366(B)(9) and (10), relative to the Veterans Court program;
3 to provide relative to eligibility for the program; to provide for additional
4 requirements and restrictions for certain eligible participants; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:5366(B)(9) and (10) are hereby amended and reenacted to read
8 as follows:

9 §5366. ~~The~~ Veterans Court program

10 * * *

11 B. Participation in probation programs shall be subject to the following
12 provisions:

13 * * *

14 (9) In order to be eligible for the Veterans Court program, the defendant
15 must satisfy each of the following criteria:

16 (a) The defendant cannot have ~~any~~ a prior felony ~~convictions~~ conviction for
17 ~~any offenses~~ an offense defined as ~~crimes of violence in R.S. 14:2(B)~~ a homicide in
18 R.S. 14:29 or as a sex offense in R.S. 15:541(24), or any pending criminal
19 proceeding alleging commission of an offense defined as a homicide in R.S. 14:29
20 or as a sex offense in R.S. 15:541(24).

~~(b) The crime before the court cannot be a crime of violence as defined in R.S. 14:2(B).~~

~~(c) Other criminal proceedings alleging commission of a crime of violence as defined in R.S. 14:2(B) cannot be pending against the defendant.~~

~~(d) The crime before the court cannot be a charge of driving under the influence of alcohol or any other drug or drugs that resulted in the death of a person.~~

(c) If the crime before the court is domestic abuse battery as defined in R.S. 14:35.3 or domestic abuse aggravated assault as defined in R.S. 14:37.7, the defendant shall comply with the following additional requirements as conditions of eligibility in the Veterans Court program:

(i) Completion of a court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.

(ii) No ownership or possession of a firearm while under the supervision of the Veterans Court program or court-ordered probation.

~~(10) A defendant previously convicted or adjudicated a delinquent for the offense of simple battery shall not be deemed ineligible for the Veterans Court program on the sole basis of such status.~~ Notwithstanding any provision of law to the contrary, the defendant may be considered for participation in the Veterans Court program even if the defendant is not otherwise eligible for probation due to the defendant's criminal history.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____