

## RÉSUMÉ DIGEST

ACT 508 (HB 537)

2018 Regular Session

Marino

Existing 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.

Existing 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 existing 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 existing law Judicial Agency Referral Residential Facility Regulatory Act.
  - (d) Enter and complete the Swift and Certain Probation Pilot Program established pursuant to existing law.

In this regard, existing 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.

New law expands existing law to authorize the court to suspend the sentence and place a defendant on probation for either of the following when the conditions provided in existing 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, new 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.

Existing 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 existing 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.

New law expands existing 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 existing law allows the suspension of sentence, if the defendant is ordered to complete any of the programs set forth in existing law.

Existing 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.

New law retains existing law, but adds 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 provides 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.

Effective August 1, 2018.

(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))