

# ACT No. 124

2021 Regular Session

HOUSE BILL NO. 232

BY REPRESENTATIVES MARINO AND JAMES

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AN ACT

To amend and reenact Code of Criminal Procedure Article 894(B)(2), relative to suspension and deferral of sentence and probation in misdemeanor cases; to provide relative to discharge and dismissal of prosecutions; to remove the restriction that discharge and dismissal may occur only once during a five-year period; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 894(B)(2) is hereby amended and reenacted to read as follows:

Art. 894. Suspension and deferral of sentence; probation in misdemeanor cases

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B.

\* \* \*

(2) The dismissal of the prosecution shall have the same effect as an acquittal, except that the conviction may be considered as a prior offense and provide the basis for subsequent prosecution of the party as a multiple offender. ~~Discharge and dismissal under this provision may occur only once with respect to any person during a five-year period. Except as provided in Subparagraph (3) of this Paragraph,~~ discharge Discharge and dismissal under this provision for the offense of operating

1 a vehicle while intoxicated may occur only once with respect to any person during  
2 a ten-year period.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_