

2024 Second Extraordinary Session

HOUSE BILL NO. 11

BY REPRESENTATIVES VILLIO, BACALA, BOYER, COX, FONTENOT, HORTON,
MIKE JOHNSON, AND WILEY AND SENATOR MORRIS

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 893(A)(1)(a) and (4), (B)(3),
3 (G), and (H)(1) through (3), 899.1(A), and 900(A)(6)(b) through (d) and R.S.
4 15:574.7(B)(1)(introductory paragraph), (C), and (D) and 574.9(H), to enact Code
5 of Criminal Procedure Article 900(A)(6)(e), and to repeal Code of Criminal
6 Procedure Article 899.2 and R.S. 15:574.7(E), relative to violations and sanctions for
7 probation and parole supervision; to provide relative to probation time periods; to
8 provide relative to a technical violation of probation or parole; to provide relative to
9 administrative sanctions for violation of probation or parole; to provide relative to
10 revocation of probation or parole; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Code of Criminal Procedure Articles 893(A)(1)(a) and (4), (B)(3), (G),
13 and (H)(1) through (3), 899.1(A), and 900(A)(6)(b) through (d) are hereby amended and
14 reenacted and Code of Criminal Procedure Article 900(A)(6)(e) is hereby enacted to read
15 as follows:

16 Art. 893. Suspension and deferral of sentence and probation in felony cases

17 A.(1)(a) When it appears that the best interest of the public and of the
18 defendant will be served, the court, after a first, second, or third conviction of a
19 noncapital felony, may suspend, in whole or in part, the imposition or execution of
20 either or both sentences, where suspension is allowed under the law, and in either or
21 both cases place the defendant on probation under the supervision of the division of

1 determines that successful completion of the program may require that period of
 2 probation to exceed the ~~three-year~~ five-year limit. ~~The court may not extend the~~
 3 ~~duration of the probation period solely due to unpaid fees and fines.~~ The period of
 4 probation as initially fixed or as extended shall not exceed eight years.

5 H.(1) If a defendant is placed on supervised probation, the division of
 6 probation and parole shall submit to the court a compliance report when requested
 7 by the court, or when the division of probation and parole deems it necessary to have
 8 the court make a determination with respect to ~~"earned compliance credits"~~,
 9 modification of terms or conditions of probation, termination of probation,
 10 revocation of probation, or other purpose proper under any provision of law.

11 (2) For purposes of this Paragraph:

12 (a) "Compliance" means the full completion of the terms and conditions of
 13 probation as imposed by the sentencing judge, ~~except for inability to pay fines, fees,~~
 14 ~~or restitution.~~

15 (b) "Compliance report" means a report generated and signed by the division
 16 of probation and parole that contains clear and concise information relating to the
 17 defendant's performance ~~relative to "earned compliance credits"~~, and may contain
 18 a recommendation as to early termination.

19 (3) After a review of the compliance report, if it is the recommendation of
 20 the division of probation and parole that the defendant is in compliance with the
 21 conditions of probation, in accordance with the compliance report, the court ~~shall~~
 22 ~~grant "earned compliance credit" for the time~~ may terminate probation at such time
 23 as "satisfactorily completed", absent a showing of cause for a denial.

24 * * *

25 Art. 899.1. Administrative sanctions for technical violations; ~~crimes of violence and~~
 26 ~~sex offenses~~

27 A. At the time of sentencing ~~for a crime of violence as defined by R.S.~~
 28 ~~14:2(B) or a sex offense as defined by R.S. 15:541,~~ the court may make a
 29 determination as to whether a defendant is eligible for the imposition of
 30 administrative sanctions as provided ~~for~~ in this Article. If authorized to do so by the

1 sentencing court, each time a defendant violates a condition of his probation, a
2 probation agency may use administrative sanctions to address a technical violation
3 committed by a defendant when all of the following occur:

4 * * *

5 Art. 900. Violation hearing; sanctions

6 A. After an arrest pursuant to Article 899, the court shall cause a defendant
7 who continues to be held in custody to be brought before it within thirty days for a
8 hearing. If a summons is issued pursuant to Article 899, or if the defendant has been
9 admitted to bail, the court shall set the matter for a violation hearing within a
10 reasonable time. The hearing may be informal or summary. The defendant may
11 choose, with the court's consent, to appear at the violation hearing and stipulate the
12 revocation by simultaneous audio-visual transmission in accordance with the
13 provisions of Article 562. If the court decides that the defendant has violated, or was
14 about to violate, a condition of his probation it may:

15 * * *

16 (6)

17 * * *

18 (b) Notwithstanding the provisions of Subparagraph (5) of this Paragraph,
19 any defendant who has been placed on probation by the court for the conviction of
20 an offense other than a crime of violence as defined in R.S. 14:2(B) or of a sex
21 offense as defined by R.S. 15:541, and who has been determined by the court to have
22 committed a technical violation of his probation, ~~shall~~ may be required to serve a
23 sentence of not more than ninety days; without diminution of sentence, ~~as follows:~~

24 ~~(i) For a first technical violation, not more than fifteen days.~~

25 ~~(ii) For a second technical violation, not more than thirty days.~~

26 ~~(iii) For a third or subsequent technical violation, not more than forty-five~~
27 ~~days.~~

28 ~~(iv) For a fourth or subsequent violation, the court may order that the~~
29 ~~probation be revoked, in accordance with Subparagraph (5) of this Paragraph.~~

1 ~~(v) For custodial substance abuse treatment programs, not more than ninety~~
2 ~~days.~~

3 (c) The defendant shall be given credit for time served prior to the revocation
4 hearing for time served in actual custody while being held for a technical violation
5 in a local detention facility, state institution, or out-of-state institution pursuant to
6 Article 880. The term of the revocation for a technical violation shall begin on the
7 date the court orders the revocation. Upon completion of the imposed sentence for
8 the technical revocation, the defendant shall return to active and supervised probation
9 for a period equal to the remainder of the original period of probation subject to any
10 additional conditions imposed by the court. The provisions of this Subparagraph
11 shall apply only to the defendant's first revocation for a technical violation.

12 (d) A "technical violation", as used in this Paragraph, means any violation
13 ~~except it shall not include any of the following:~~ of a condition of probation that may
14 be addressed by an administrative sanction authorized by the court pursuant to
15 Article 899.1.

16 (e) None of the following, unless deemed a technical violation by the court
17 when its discretion is permitted, shall be considered a technical violation nor
18 addressed by administrative sanctions:

19 (i) ~~An allegation of a criminal act that is subsequently proven to be a felony.~~
20 Being arrested for, charged with, or convicted of any of the following:

21 (aa) A felony.

22 (bb) A violation of any provision of Title 40 of the Louisiana Revised
23 Statutes of 1950, except for misdemeanor possession of marijuana or
24 tetrahydrocannabinol, or chemical derivatives thereof, as provided in R.S.
25 40:966(C)(2), which shall be considered a "technical violation".

26 (cc) Any intentional misdemeanor directly affecting the person.

27 (dd) Any criminal act that is a violation of a protective order, pursuant to
28 R.S. 14:79, issued against the offender to protect a family member or household
29 member as defined by R.S. 14:35.3, or dating partner as defined by R.S. 46:2151.

1 officer may use administrative sanctions to address a technical violation committed
2 by a parolee when all of the following occur:

3 * * *

4 ~~C.(1)Each time a parolee who is on parole for a crime other than a crime of~~
5 ~~violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541~~
6 ~~violates a condition of parole, a parole officer is authorized to use administrative~~
7 ~~sanctions to address a technical violation committed by a parolee when all of the~~
8 ~~following occur:~~

9 ~~(a) The parolee, after receiving written notification of his right to a hearing~~
10 ~~before a court and right to counsel, provides a written waiver of a parole violation~~
11 ~~hearing:~~

12 ~~(b) The parolee admits to the violation or affirmatively chooses not to~~
13 ~~contest the violation alleged in the parole violation report.~~

14 ~~(c) The parolee consents to the imposition of administrative sanctions by the~~
15 ~~Department of Public Safety and Corrections.~~

16 ~~(2) The department shall promulgate rules to implement the provisions of~~
17 ~~this Subsection to establish the following:~~

18 ~~(a) A system of structured, administrative sanctions which shall be imposed~~
19 ~~for technical violations of parole and which shall take into consideration the~~
20 ~~following factors:~~

21 ~~(i) The severity of the violation behavior.~~

22 ~~(ii) The prior violation history.~~

23 ~~(iii) The severity of the underlying criminal conviction.~~

24 ~~(iv) The criminal history of the parolee.~~

25 ~~(v) Any special circumstances, characteristics, or resources of the parolee.~~

26 ~~(vi) Protection of the community.~~

27 ~~(vii) Deterrence.~~

28 ~~(viii) The availability of appropriate local sanctions, including but not~~
29 ~~limited to jail, treatment, community service work, house arrest, electronic~~

1 surveillance, restitution centers, work release centers, day reporting centers, or other
 2 local sanctions.

3 ~~(ix) Incarceration shall not be used for the lowest-tier violations including~~
 4 ~~the first positive drug test and the first or second violation for the following:~~

5 ~~(aa) Association with known felons or persons involved in criminal activity.~~

6 ~~(bb) Changing residence without permission.~~

7 ~~(cc) Failure to initially report as required.~~

8 ~~(dd) Failure to pay restitution for up to three months.~~

9 ~~(ee) Failure to report as instructed.~~

10 ~~(ff) Traveling without permission.~~

11 ~~(gg) Occasion of unemployment and failure to seek employment within~~
 12 ~~ninety days.~~

13 ~~(x) Incarceration shall not be used for first or second violations of alcohol~~
 14 ~~use or admission, except for defendants convicted of operating a vehicle while~~
 15 ~~intoxicated pursuant to R.S. 14:98; defendants convicted of domestic abuse battery~~
 16 ~~pursuant to R.S. 14:35.3 committed by one family member or household member~~
 17 ~~against another; defendants convicted of battery by one dating partner as defined by~~
 18 ~~R.S. 46:2151 against another; or defendants convicted of a violation of a protective~~
 19 ~~order, pursuant to R.S. 14:79, issued against the defendant to protect a family~~
 20 ~~member or household member as defined by R.S. 14:35.3, or a dating partner as~~
 21 ~~defined by R.S. 46:2151.~~

22 ~~(b) Procedures to provide a parolee with written notice of the right to a~~
 23 ~~parole violation hearing to determine whether the parolee violated the conditions of~~
 24 ~~parole alleged in the violation report and the right to be represented by counsel at~~
 25 ~~state expense at that hearing if financially eligible.~~

26 ~~(c) Procedures for a parolee to provide written waiver of the right to a parole~~
 27 ~~violation hearing, to admit to the violation or affirmatively choose not to contest the~~
 28 ~~violation alleged in the parole violation report, and to consent to the imposition of~~
 29 ~~administrative sanctions by the department.~~

1 ~~(d) The level and type of sanctions that may be imposed by parole officers~~
 2 ~~and other supervisory personnel.~~

3 ~~(e) The level and type of violation behavior that warrants a recommendation~~
 4 ~~to the board that parole be revoked.~~

5 ~~(f) Procedures notifying the parolee and the committee on parole of a~~
 6 ~~violation admitted by the parolee and the administrative sanctions imposed.~~

7 ~~(g) Such other policies and procedures as are necessary to implement the~~
 8 ~~provisions of this Subsection and to provide adequate parole supervision.~~

9 ~~(3) If the administrative sanction imposed pursuant to the provisions of this~~
 10 ~~Subsection is jail confinement, the confinement shall not exceed ten days per~~
 11 ~~violation and shall not exceed a total of sixty days per year.~~

12 ~~(4) For purposes of this Subsection, "technical violation" means any~~
 13 ~~violation of a condition of parole, that does not include any of the following:~~

14 ~~(a) An allegation of a criminal act that is subsequently proven to be a felony.~~

15 ~~(b) An allegation of a criminal act that is subsequently proven to be an~~
 16 ~~intentional misdemeanor directly affecting the person.~~

17 ~~(c) An allegation of a criminal act that if proven would be a crime of~~
 18 ~~violence as defined in R.S. 14:2(B).~~

19 ~~(d) An allegation of a criminal act that if proven would be a sex offense as~~
 20 ~~defined in R.S. 15:541.~~

21 ~~(e) An allegation of domestic abuse battery pursuant to R.S. 14:35.3~~
 22 ~~committed by one family member or household member against another, or an~~
 23 ~~allegation of battery committed by one dating partner as defined by R.S. 46:2151~~
 24 ~~against another.~~

25 ~~(f) An allegation of violation of a protective order, pursuant to R.S. 14:79,~~
 26 ~~issued against the offender to protect a family member or household member as~~
 27 ~~defined by R.S. 14:35.3, or a dating partner as defined by R.S. 46:2151.~~

28 ~~(g) Being in possession of a firearm or other prohibited weapon.~~

29 ~~(h) Absconding from the jurisdiction of the court by leaving the state without~~
 30 ~~the prior approval of the committee on parole or the probation and parole officer.~~

1 ~~D~~.(1) If the chief probation and parole officer, upon recommendation by a
2 parole officer, has reasonable cause to believe that a parolee has violated the
3 conditions of parole, he shall notify the committee, and shall cause the appropriate
4 parole officer to submit the parolee's record to the committee. After consideration
5 of the record submitted, and after such further investigation as it may deem
6 necessary, the committee may order:

7 (a) The issuance of a reprimand and warning to the parolee.

8 (b) That the parolee be required to conform to one or more additional
9 conditions of parole which may be imposed in accordance with R.S. 15:574.4.

10 (c) That the parolee be arrested, and upon arrest be given a prerevocation
11 hearing within a reasonable time, at or reasonably near the place of the alleged parole
12 violation or arrest, to determine whether there is probable cause to detain the parolee
13 pending orders of the parole committee.

14 (2) Upon receiving a summary of the prerevocation proceeding, the
15 committee may order the following:

16 (a) The parolee's return to the physical custody of the Department of Public
17 Safety and Corrections, corrections services, to await a hearing to determine whether
18 his parole should be revoked.

19 (b) As an alternative to revocation, that the parolee, as a condition of parole,
20 be committed to a community rehabilitation center or a substance abuse treatment
21 program operated by, or under contract with, the department, for a period of time not
22 to exceed six months, without benefit of good time, provided that such commitment
23 does not extend the period of parole beyond the full parole term. Upon written
24 request of the department that the offender be removed for violations of the rules or
25 regulations of the community rehabilitation center or substance abuse program, the
26 committee shall order that the parole be revoked, with credit for time served in the
27 community rehabilitation center.

28 ~~E~~: D.(1) Upon recommendation of the supervising parole officer and
29 approval of the committee on parole, the level of supervision and the fees associated
30 with the supervision of a parolee may be reduced after the parolee has served a

1 minimum of three years without a violation of the terms and conditions of parole for
2 a crime that is not a crime of violence as defined by R.S. 14:2(B) or a sex offense as
3 defined by R.S. 15:541 and a minimum of seven years without a violation of the
4 terms and conditions of parole for a crime that is a crime of violence as defined by
5 R.S. 14:2(B).

6 (2) A parolee who satisfies the conditions of Paragraph (1) of this Subsection
7 may be placed on inactive status upon approval of the committee. A parolee on
8 inactive status shall not be subject to the terms and conditions of parole under R.S.
9 15:574.4.2(A)(2).

10 (3) The committee shall maintain the authority to revoke parole as provided
11 in this Section and R.S. 15:574.9.

12 (4) Nothing in this Subsection shall eliminate the committee's authority to
13 reduce terms and conditions of parole prior to a parolee satisfying the requirements
14 of Paragraph (1) of this Subsection.

15 * * *

16 §574.9. Revocation of parole for violation of condition; committee panels; return
17 to custody hearing; duration of reimprisonment and reparole after revocation;
18 credit for time served; revocation for a technical violation

19 * * *

20 H.(1)(a) ~~Any offender who has been released on parole and who has been~~
21 ~~determined by the committee on parole to have committed a technical violation of~~
22 ~~the conditions of parole, shall be required to serve the following sentences:~~

23 ~~(i) For the first technical violation, not more than fifteen days.~~

24 ~~(ii) For a second technical violation, not more than thirty days.~~

25 ~~(iii) For a third technical violation, not more than forty-five days.~~

26 ~~(iv) For a fourth or subsequent technical violation, not more than ninety~~
27 ~~days.~~

28 ~~(v) For custodial substance abuse treatment programs, not more than ninety~~
29 ~~days.~~

1 (b) ~~The sentences imposed pursuant to Subparagraph (a) of this Paragraph~~
 2 ~~shall be served without diminution of sentence. The term of the revocation for the~~
 3 ~~technical violation shall begin on the date the committee on parole orders the~~
 4 ~~revocation. Upon completion of the imposed technical revocation sentence, the~~
 5 ~~offender shall return to active parole supervision for the remainder of the original~~
 6 ~~term of supervision.~~

7 (c) ~~The offender shall be given credit toward service of his sentence for time~~
 8 ~~spent in actual custody prior to the revocation hearing while being held for a~~
 9 ~~technical violation in a local detention facility, state institution, or out-of-state~~
 10 ~~institution.~~

11 (d) ~~The provisions of Subparagraph (a) of this Paragraph shall not apply to~~
 12 ~~the following offenders:~~

13 (i) ~~Any offender released on parole for the conviction of a crime of violence~~
 14 ~~as defined in R.S. 14:2(B).~~

15 (ii) ~~Any offender released on parole for the conviction of a sex offense as~~
 16 ~~defined in R.S. 15:541.~~

17 (iii) ~~Any offender released on parole who is subject to the sex offender~~
 18 ~~registration and notification requirements of R.S. 15:541 et seq.~~

19 (2) ~~A "technical violation", as used in this Subsection, means any violation~~
 20 ~~except it shall not include any of the following:~~

21 (a) ~~An allegation of a criminal act that is subsequently proven to be a felony.~~

22 (b) ~~An allegation of a criminal act that is subsequently proven to be an~~
 23 ~~intentional misdemeanor directly affecting the person.~~

24 (c) ~~An allegation of a criminal act that is subsequently proven to be a~~
 25 ~~violation of a protective order, pursuant to R.S. 14:79, issued against the offender to~~
 26 ~~protect a household member or family member as defined by R.S. 14:35.3, or dating~~
 27 ~~partner as defined by R.S. 46:2151.~~

28 (d) ~~Being in possession of a firearm or other prohibited weapon.~~

29 (e) ~~Absconding from the jurisdiction of the committee on parole by leaving~~
 30 ~~the state without the prior approval of the probation and parole officer.~~

1 (i) Except as provided in Subparagraph (b) of this Paragraph, any offender
2 who has been released on parole and whose parole supervision is being revoked
3 pursuant to the provisions of this Section for a technical violation of the conditions
4 of parole as determined by the committee on parole, shall be required to serve the
5 following sentences:

6 (aa) For the first technical violation, the offender shall serve not more than
7 ninety days.

8 (bb) For a second technical violation, the offender shall serve not more than
9 one hundred twenty days.

10 (cc) For a third or subsequent technical violation, the offender shall serve not
11 more than one hundred eighty days.

12 (ii) Any sentence imposed pursuant to Item (i) of this Subparagraph shall be
13 served without diminution of sentence or credit for time served prior to the
14 revocation for a technical violation. The term of the revocation for the technical
15 violation shall begin on the date the committee on parole orders the revocation. Upon
16 completion of the imposed technical revocation sentence, the offender shall return
17 to active parole supervision for the remainder of the original term of supervision.

18 (b) The provisions of Subparagraph (a) of this Paragraph shall not apply to
19 the following offenders:

20 (i) Any offender released on parole for the conviction of a crime of violence
21 as defined in R.S. 14:2(B).

22 (ii) Any offender released on parole for the conviction of a sex offense as
23 defined in R.S. 15:541.

24 (iii) Any offender released on parole who is subject to the sex offender
25 registration and notification requirements of R.S. 15:541 et seq.

26 (2) A "technical violation", as used in this Subsection, means any violation
27 of a condition of parole that may be addressed by an administrative sanction
28 authorized by the committee on parole pursuant to R.S. 15:574.7.

1 (3) None of the following, unless deemed a technical violation by the
2 committee on parole when its discretion is permitted, shall be considered a technical
3 violation nor addressed by administrative sanctions:

4 (a) Being arrested for, charged with, or convicted of any of the following:

5 (i) A felony.

6 (ii) Any intentional misdemeanor directly affecting the person.

7 (iii) Any criminal act that is a violation of a protective order, pursuant to R.S.
8 14:79, issued against the offender to protect a family member or household member
9 as defined by R.S. 14:35.3, or a dating partner as defined by R.S. 46:2151.

10 (iv) At the discretion of the committee on parole, any attempt to commit any
11 intentional misdemeanor directly affecting the person.

12 (v) At the discretion of the committee on parole, any attempt to commit any
13 other misdemeanor.

14 (b) Being in possession of a firearm or other prohibited weapon.

15 (c) At the discretion of the committee on parole, failing to appear at any
16 court hearing.

17 (d) Absconding from the jurisdiction of the committee on parole.

18 Section 3. Code of Criminal Procedure Article 899.2 and R.S.15:574.7(E) are hereby
19 repealed in their entirety.

20 Section 4. The provisions of this Act shall only apply to offenses committed on or
21 after August 1, 2024.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____