Lopinto (HB 415) **Act No. 104**

Existing law provides that any offender who has been released on parole and whose parole supervision is being revoked for the first technical violation of the conditions of parole, shall be required to serve not more than 90 days without diminution of sentence or credit for time served prior to the revocation for a technical violation.

Existing law provides that any defendant who has been placed on probation by the drug division probation program, and who has had his probation revoked for a technical violation of drug division probation, may be ordered to be committed to the custody of DPS&C and be required to serve a sentence of not more than six months without diminution of sentence in the intensive incarceration program.

Existing law provides that any defendant who has been placed on probation by the court for the conviction of an offense other than a crime of violence or of a sex offense, and whose probation is revoked for a first technical violation of probation, shall be required to serve a sentence of not more than 90 days without diminution of sentence or credit for time served prior to the revocation for a technical violation.

Existing law defines "technical violation".

New law retains existing law and authorizes a parole officer or probation officer to impose administrative sanctions for a technical violation of parole or probation conditions, if the Board of Parole or court determines that the offender is eligible for the imposition of administrative sanctions, and when all of the following occur:

(1) The offender, after receiving written notification of the right to a hearing before a court and right to counsel, provides a written waiver of a violation hearing.

(2) The offender admits to the violation or affirmatively chooses not to contest the violation alleged in the violation report.

(3) The offender consents to the imposition of administrative sanctions.

New law requires DPS&C to promulgate rules to implement the provisions of new law, including but not limited to rules to establishing the following:

(1) A system of structured, administrative sanctions.

(2) Procedures to provide the offender with written notice of the right to a hearing and procedures for the offender to provide a written waiver of such rights.

(3) The level and type of violation behavior that warrants a recommendation that parole or probation be revoked.

(4) Procedures for providing notification of the violation and the administrative sanctions imposed.

New law provides that if the administrative sanction imposed is jail confinement, the confinement shall not exceed 10 days per violation and shall not exceed a total of 60 days per year.

Effective August 15, 2011.

(Amends R.S. 15:574.7(B); Adds R.S. 15:574.7(C) and C.Cr.P. Art. 899.1)