

Regular Session, 2012

SENATE BILL NO. 553

BY SENATOR CLAITOR

CRIMINAL PROCEDURE. Provides for procedures relative to sobriety court programs.
(8/1/12)

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 894(B)(2) and to enact Code of
3 Criminal Procedure Article 894(A)(7) and (B)(3), relative to suspension and deferral
4 of criminal sentences; to provide relative to probation for cases assigned to certain
5 substance abuse programs; to provide relative to discharge and dismissal of certain
6 prosecutions under certain circumstances; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 894(B)(2) is hereby amended and
9 reenacted and Code of Criminal Procedure Article 894(A)(7) and (B)(3) are hereby enacted
10 to read as follows:

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

12 A. * * *

13 (7) When a case is assigned to an established driving while intoxicated
14 court or sobriety court program certified by the Louisiana Supreme Court Drug
15 Court Office, the National Highway Safety Commission, or the Louisiana
16 Highway Safety Commission, with the consent of the district attorney, the court
17 may place the defendant on probation for a period of not more than four years

program may require that the period of probation exceed the two-year limit.

Present law provides that the dismissal of a prosecution has the same effect as an acquittal, except that the conviction may be considered as a first offense and provide the basis for subsequent prosecution of the party as a multiple offender. Present law further provides that discharge and dismissal under present law may occur only once with respect to any person during a five-year period. Present law further provides that discharge and dismissal under present law for the offense of operating a vehicle while intoxicated may occur only once with respect to any person during a 10-year period.

Proposed law retains present law and adds that discharge and dismissal may occur on a single subsequent prosecution and conviction during a 10-year period under the following conditions:

1. The offender has successfully completed a DWI or sobriety court program pursuant to proposed law.
2. The remaining provisions of present law have been satisfied.

Effective August 1, 2012.

(Amends C.Cr.P. Art. 894(B)(2); adds C.Cr.P. Art. 894(A)(7) and (B)(3))