SLS 15RS-270

ORIGINAL

2015 Regular Session

SENATE BILL NO. 27

BY SENATOR BROOME

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DOMESTIC VIOLENCE. Prohibits suspension of sentence in certain domestic abuse cases. (gov sig)

1	AN ACT
2	To amend and reenact Code of Criminal Procedure Article 894(A)(1), relative to suspension
3	and deferral of sentence; to prohibit suspension of sentence when the defendant has
4	been convicted of domestic abuse battery; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. Code of Criminal Procedure Article 894(A)(1) is hereby amended and
7	reenacted to read as follows:
8	Art. 894. Suspension and deferral of sentence; probation in misdemeanor cases
9	A.(1) Notwithstanding any other provision of this Article to the contrary,
10	when a defendant has been convicted of a misdemeanor, except criminal neglect of
11	family, or stalking, or domestic abuse battery, the court may suspend the
12	imposition or the execution of the whole or any part of the sentence imposed,
13	provided suspension is not prohibited by law, and place the defendant on
14	unsupervised probation or probation supervised by a probation office, agency, or
15	officer designated by the court, other than the division of probation and parole of the
16	Department of Public Safety and Corrections, upon such conditions as the court may
17	fix. Such suspension of sentence and probation shall be for a period of two years or

Page 1 of 2 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	such shorter period as the court may specify.
2	* * *
3	Section 2. This Act shall become effective upon signature by the governor or, if not
4	signed by the governor, upon expiration of the time for bills to become law without signature
5	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6	vetoed by the governor and subsequently approved by the legislature, this Act shall become
7	effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

SB 27 Original

DIGEST 2015 Regular Session

Broome

<u>Present law</u> provides that when a defendant has been convicted of a misdemeanor, except criminal neglect of family or stalking, the court may suspend the imposition or the execution of the whole or any part of the sentence imposed, provided suspension is not prohibited by law, and place the defendant on unsupervised probation or probation supervised by a probation office, agency, or officer designated by the court, other than the division of probation and parole of the Dept. of Public Safety and Corrections, upon such conditions as the court may fix.

<u>Proposed law</u> retains <u>present law</u> and adds that a defendant's sentence on a conviction of domestic abuse battery cannot be suspended by the court.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.Cr.P. Art. 894(A)(1))