

GREEN SHEET REDIGEST

HB 271

2015 Regular Session

Billiot

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

PROBATION: Provides relative to substance abuse probation.

DIGEST

Abstract: Increases the maximum duration of the probation period for a person participating in a drug division probation program or a driving while intoxicated or sobriety court program to eight years.

Present law (C.Cr.P. Art. 893(A) and (B)) authorizes the court to suspend the imposition or execution of a sentence for a defendant convicted of certain felony offenses and place the defendant on probation for a period not to exceed five years.

Present law (C.Cr.P. Art. 894(A)(1)) authorizes the court to suspend the imposition or execution of a sentence for a defendant convicted of certain misdemeanor offenses and place the defendant on probation for a period not to exceed two years.

Present law (C.Cr.P. Art. 894(A)(6) and (7)) provides if a case is assigned to a drug division probation program or to an established driving while intoxicated or sobriety court program for a misdemeanor offense, with the consent of the district attorney, the court may place the defendant on supervised probation for a maximum of four years if the court determines that successful completion of the program may require that the period of probation exceed the two-year limit.

Present law (R.S. 13:5304) authorizes defendants who commit certain alcohol- or drug-related offenses to participate in a drug division probation program or a driving while intoxicated or sobriety court program when certain eligibility requirements are met. If accepted into the program, the defendant must enter a plea of guilty to the charge, the defendant's sentence is suspended, and the defendant is placed on supervised probation under the usual conditions of probation and under special conditions of probation related to the completion of such substance abuse treatment programs as are ordered by the court.

Present law (R.S. 13:5304) further provides that if the defendant successfully completes the probation program, the court may set aside the conviction and the prosecution may be dismissed in accordance with the provisions of present law.

Proposed law (C.Cr.P. Art. 893(A) and (B)) increases the maximum duration of the probation period for a person participating in a drug division probation program or a driving while intoxicated or sobriety court program for a felony offense from five years to eight years.

Proposed law (C.Cr.P. Art. 894(A)(6) and (7)) increases the maximum duration of the probation period for a person participating in a drug division probation program or a driving while intoxicated or sobriety court program for a misdemeanor offense from four years to eight years.

Present law provides relative to certain substance abuse probation programs for non-violent first and second offense drug offenders.

Proposed law extends the sunset provision relative to these substance abuse probation programs from 8/1/2016 to 8/1/2020. Proposed law otherwise retains present law.

(Amends C.Cr.P. Arts. 893(A), (B)(1)(a)(iv)(aa) and (bb), and (B)(1)(b) and 894(A)(6) and (7), (B)(1), and (D)(1) and Act No. 389 of 2013 R.S., §4)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Extend the sunset provision relative to certain substance abuse probation programs from 8/1/2016 to 8/1/2020.