

2015 Regular Session

HOUSE BILL NO. 272

BY REPRESENTATIVE BILLIOT

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

VETERANS: Amends eligibility requirements to participate in the Veterans Court program

1 AN ACT

2 To amend and reenact R.S. 13:5366(B)(9)(a) and (b) and to enact R.S. 13:5366(B)(12),
3 relative to the Veterans Court program; to provide for eligibility for participation in
4 the Veterans Court program; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:5366(B)(9)(a) and (b) are hereby amended and reenacted and R.S.
7 13:5366(B)(12) is hereby enacted to read as follows:

8 §5366. The Veterans Court program

9 * * *

10 B. Participation in probation programs shall be subject to the following
11 provisions:

12 * * *

13 (9) In order to be eligible for the Veterans Court program, the defendant
14 must satisfy each of the following criteria:

15 (a) The defendant cannot have any prior felony convictions for any offenses
16 defined as ~~crimes of violence in R.S. 14:2(B)~~ a homicide in R.S. 14:29.

17 (b) The crime before the court cannot be ~~a crime of violence as defined in~~
18 ~~R.S. 14:2(B)~~ any offense defined as a homicide in R.S. 14:29 or a crime of violence
19 as defined in R.S. 14:2(B) unless the entire sentence may be deferred or suspended
20 pursuant to the provisions of Louisiana law. If the crime before the court is domestic

1 abuse battery as defined in R.S. 14:35.3, the defendant may be eligible for
2 participation in the program if it is the defendant's first offense for domestic abuse
3 battery and the defendant complies with the sentencing requirements provided for
4 in R.S. 14:35.3(C).

5 * *

6 (12) If the crime before the court is a crime of violence and eligible pursuant
7 to the provisions of Subparagraph (9)(b), the consent of the victim shall be required
8 before the defendant can be determined eligible for the Veterans Court program.

9 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 272 Reengrossed

2015 Regular Session

Billiot

Abstract: Provides relative to the eligibility requirements for the Veterans Court program.

Present law excludes a defendant from participating in the Veterans Court program if the defendant's crime being considered before the court is a crime of violence as defined in present law or if the defendant has a prior felony offense or other pending criminal proceedings alleging commission of a crime of violence.

Proposed law expands participation in the Veterans Court program by excluding only those defendants whose crime before the court is a homicide or crime of violence unless the entire sentence may be deferred or suspended. Proposed law further excludes a crime of domestic abuse battery unless it is defendant's first offense for domestic abuse battery and complies with the sentencing requirements as provided for in present law.

Proposed law further excludes participation in the program if the defendant has prior felony convictions for any offenses defined as a homicide in present law or other pending criminal proceedings alleging commission of a homicide or sex offense.

Proposed law requires consent of the victim before the defendant can be determined eligible if the crime before the court is a crime of violence.

(Amends R.S. 13:5366(B)(9)(a) and (b); Adds R.S. 13:5366(B)(12))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Change proposed law reference regarding prohibitions for the defendant to participate in the program from "controlled dangerous substance" to "any other drug or drugs".

The House Floor Amendments to the engrossed bill:

1. Authorize expansion of the program to include a crime of violence unless the entire sentence may be deferred or suspended.
2. Authorize a defendant to be eligible for the program if the crime before the court is the defendant's first offense for domestic abuse battery and the defendant complies with sentencing requirements provided for in present law.
3. Require the consent of the victim before the defendant can be determined eligible if the crime before the court is a crime of violence and is eligible for the program pursuant to the provisions of proposed law.
4. Remove the exclusion of any sex offense that requires registration under present law for a crime before the court.