

ACT No. 199

2015 Regular Session

HOUSE BILL NO. 271

BY REPRESENTATIVE BILLIOT

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 893(A), (B)(1)(a)(iv)(aa) and
3 (bb), and (B)(1)(b), 894(A)(6) and (7), (B)(1), and (D)(1), and Section 4 of Act No.
4 389 of the 2013 Regular Session of the Legislature, relative to probation; to provide
5 relative to the duration of probation for a defendant participating in a drug division
6 probation program or a driving while intoxicated or sobriety court program; to
7 increase the maximum duration of the probation period for these defendants to eight
8 years; to provide relative to substance abuse probation programs provided by the
9 Department of Public Safety and Corrections; to provide relative to the termination
10 of such programs; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Code of Criminal Procedure Articles 893(A), (B)(1)(a)(iv)(aa) and (bb),
13 and (B)(1)(b) and 894(A)(6) and (7), (B)(1), and (D)(1) are hereby amended and reenacted
14 to read as follows:

15 Art. 893. Suspension and deferral of sentence and probation in felony cases

16 A. When it appears that the best interest of the public and of the defendant
17 will be served, the court, after a first or second conviction of a noncapital felony,
18 may suspend, in whole or in part, the imposition or execution of either or both
19 sentences, where suspension is allowed under the law, and in either or both cases
20 place the defendant on probation under the supervision of the division of probation
21 and parole. The court shall not suspend the sentence of a conviction for a crime of
22 violence as defined in R.S. 14:2(B)(1), (2), (3), (4), (5), (9), (10), (11), (12), (13),
23 (14), (15), (16), (18), (20), (21), (22), (26), (27), or (28), or of a second conviction
24 if the second conviction is for a violation of R.S. 14:73.5, 81.1, or 81.2. ~~The~~ Except
25 as provided in Subitems (B)(1)(a)(iv)(aa) and (bb) of this Article, the period of

1 (b) When suspension is allowed under this Paragraph, the defendant shall be
 2 placed on probation under the supervision of the division of probation and parole.
 3 The period of probation shall be specified and shall not be less than two years nor
 4 more than five years, except as provided in Subitems (a)(iv)(aa) and (bb) of this
 5 Subparagraph. The suspended sentence shall be regarded as a sentence for the
 6 purpose of granting or denying a new trial or appeal.

7 * * *

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

9 A.

10 * * *

11 (6) When a case is assigned to the drug division probation program pursuant
 12 to the provisions of R.S. 13:5304, with the consent of the district attorney, the court
 13 may place the defendant on probation for a period of not more than ~~four~~ eight years
 14 if the court determines that successful completion of the program may require that
 15 the period of probation exceed the two-year limit. If necessary to assure successful
 16 completion of the drug division probation program, the court may extend the
 17 duration of the probation period. The period of probation as initially fixed or as
 18 extended shall not exceed ~~four~~ eight years.

19 (7) When a case is assigned to an established driving while intoxicated court
 20 or sobriety court program certified by the Louisiana Supreme Court Drug Court
 21 Office, the National Highway Traffic Safety Administration, or the Louisiana
 22 Highway Safety Commission, with the consent of the district attorney, the court may
 23 place the defendant on probation for a period of not more than ~~four~~ eight years if the
 24 court determines that the successful completion of the program may require that the
 25 period of probation exceed the two-year limit. If necessary to assure successful
 26 completion of the driving while intoxicated court or sobriety court program, the court
 27 may extend the duration of the probation period. The period of probation as initially
 28 fixed or as extended shall not exceed ~~four~~ eight years.

29 B.(1) When the imposition of sentence has been deferred by the court, as
 30 authorized by this Article, and the court finds at the conclusion of the period of

