

2016 Regular Session

HOUSE BILL NO. 55

BY REPRESENTATIVES DWIGHT, CHAD BROWN, GARY CARTER, COUSSAN,
COX, HAZEL, MIKE JOHNSON, MAGEE, JAY MORRIS, AND SHADOIN

1 AN ACT

2 To enact R.S. 13:5368, relative to courts and judicial procedure; to provide with respect to
3 Veterans Court programs in district court; to provide for dismissal of certain criminal
4 charges upon completion of a Veterans Court program; to provide with respect to
5 revocation of probation in certain circumstances; to provide for the effect of a
6 dismissal of criminal charges; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:5368 is hereby enacted to read as follows:

9 §5368. Dismissal of certain criminal charges upon completion of Veterans Court
10 program; revocation of probation; effects of dismissal

11 A. Notwithstanding any other provision of law to the contrary, as to any
12 person eligible for participation in a Veterans Court program as provided for under
13 the provisions of this Chapter, when it appears that the best interests of the public
14 and of the defendant will be served, with the prior approval of the district attorney,
15 the court may, without entering a judgment of guilt and with the consent of such
16 person, defer proceedings and place him on probation upon such reasonable terms
17 and conditions as may be required by the court and under the provisions of this
18 Chapter. If the defendant is accepted into the Veterans Court program, the defendant
19 must waive the right to a trial.

20 B. Upon the defendant's violation of any of the terms or conditions of his
21 probation, the court may revoke his probation, enter an adjudication of guilt, and
22 impose sentence upon such person. The entering of the adjudication of guilt shall
23 be retroactive to the date the defendant pled guilty or was convicted under

1 Subsection A of this Section, but the imposition or execution of sentence shall not
2 be retroactive.

3 C. Upon fulfillment of the terms and conditions of probation imposed in
4 accordance with this Section, the court shall discharge such person and dismiss the
5 proceedings against him.

6 D. The discharge and dismissal of charges pursuant to this Section shall be
7 without court adjudication of guilt and shall not be deemed a conviction for purposes
8 of disqualifications or disabilities imposed by law upon conviction of a crime,
9 including the additional penalties imposed for second or subsequent convictions
10 pursuant to R.S. 40:982. The discharge and dismissal pursuant to this Section may
11 occur only once with respect to any person.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____