

ACT No. 181

2016 Regular Session

HOUSE BILL NO. 55

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

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

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

B. Upon the defendant's violation of any of the terms or conditions of his probation, the court may revoke his probation, enter an adjudication of guilt, and impose sentence upon such person. The entering of the adjudication of guilt shall 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: _____