

ACT No. 633

Regular Session, 2014

HOUSE BILL NO. 681

BY REPRESENTATIVES THIERRY AND KATRINA JACKSON

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 899.1(D) and
3 900(A)(6)(c)(i)(bb), relative to violations of probation conditions; to amend the
4 definition of "technical violations" for the purposes of administrative sanctions and
5 violations of probation conditions; to amend the definition of "technical violations"
6 to include misdemeanor possession of marijuana or tetrahydrocannabinol, or
7 chemical derivatives thereof; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Criminal Procedure Articles 899.1(D) and 900(A)(6)(c)(i)(bb)
10 are hereby amended and reenacted to read as follows:

11 Art. 899.1. Administrative sanctions for technical violations

12 * * *

13 D. For purposes of this Article, "technical violation" means any violation of
14 a condition of probation, except for an allegation of a subsequent criminal act.
15 Notwithstanding any provision of law to the contrary, if the subsequent alleged
16 criminal act is misdemeanor possession of marijuana or tetrahydrocannabinol, or
17 chemical derivatives thereof, as provided in R.S. 40:966(E)(1), it shall be considered
18 a "technical violation".

19 Art. 900. Violation hearing; sanctions

20 A. After an arrest pursuant to Article 899, the court shall cause a defendant
21 who continues to be held in custody to be brought before it within thirty days for a
22 hearing. If a summons is issued pursuant to Article 899, or if the defendant has been
23 admitted to bail, the court shall set the matter for a violation hearing within a

1 reasonable time. The hearing may be informal or summary. If the court decides that
2 the defendant has violated, or was about to violate, a condition of his probation it
3 may:

4 * * *

5 (6)

6 * * *

7 (c) A "technical violation", as used in this Paragraph, means any violation
8 except it shall not include any of the following:

9 (i) Being arrested, charged, or convicted of any of the following:

10 * * *

11 (bb) A violation of any provision of Title 40 of the Louisiana Revised
12 Statutes of 1950, except for misdemeanor possession of marijuana or
13 tetrahydrocannabinol, or chemical derivatives thereof, as provided in R.S.
14 40:966(E)(1), which shall be considered a "technical violation".

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____