

2016 Regular Session

HOUSE BILL NO. 963

BY REPRESENTATIVE SMITH

CORRECTIONS: Provides with respect to conditional release and release from probation supervision in certain cases

1 AN ACT

2 To amend and reenact R.S. 15:574.62(B)(5) and to enact Code of Criminal Procedure
3 Article 895.6, relative to conditional release; to amend eligibility criteria for
4 substance abuse conditional release; to provide for the early termination from
5 probation supervision for certain individuals; to provide for applicability; to provide
6 for early release criteria; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:574.62(B)(5) is hereby amended and reenacted to read as follows:

9 §574.62. Substance abuse conditional release

10 * * *

11 B. An offender shall be eligible for conditional release pursuant to the
12 provisions of this Section if all of the following conditions are met:

13 * * *

14 (5) The offender has served at least ~~two years~~ one year in actual physical
15 custody and is within one year of his projected release date.

16 * * *

17 Section 2. Code of Criminal Procedure Article 895.6 is hereby enacted to read as
18 follows:

1 Art. 895.6. Early termination of probation supervision

2 A. Any offender placed on supervised probation may petition the court for
3 early termination if all of the following conditions have been met:

4 (1) The offender has no convictions for a crime of violence as defined in
5 R.S. 14:2(B) or a sex offense as defined in R.S. 15:541.

6 (2) The offender has served at least one year on probation and is within one
7 year of his projected probation supervision termination date.

8 (3) The offender has not committed any probation violations or had his
9 probation revoked in the twelve consecutive months prior to the probation hearing
10 date.

11 (4) The offender has completed substance abuse treatment as applicable.

12 (5) The offender is employed.

13 (6) The offender has obtained a low-risk level designation determined by a
14 validated risk assessment instrument approved by the secretary of the Department
15 of Public Safety and Corrections.

16 B. If the court determines that the offender meets the criteria provided for
17 in Subsection A of this Section, the court shall terminate probation supervision.

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 963 Original

2016 Regular Session

Smith

Abstract: Provides with respect to substance abuse conditional release and early release from probation supervision.

Present law provides for substance abuse conditional release and provides for eligibility criteria for conditional release. Provides that to be eligible for conditional release, the offender shall have served at least two years in actual physical custody and is within one year of his projected release date.

Proposed law changes this requirement from two years to one year in actual physical custody.

Proposed law provides that any offender placed on supervised probation may petition the court for early termination if all of the following conditions have been met:

(1) The offender has no convictions for a crime of violence or a sex offense.

- (2) The offender has served at least one year on probation and is within one year of his projected probation supervision termination date.
- (3) The offender has not committed any probation violations or had his probation revoked in the 12 consecutive months prior to the probation hearing date.
- (4) The offender has completed substance abuse treatment as applicable.
- (5) The offender is employed.
- (6) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument.

Proposed law further provides that if the court determines that the offender meets the criteria, the court shall terminate probation supervision.

(Amends R.S. 15:574.62(B)(5); Adds C.Cr.P. Art. 895.6)