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## DIGEST

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HB 282 Original

2022 Regular Session

Marino

**Abstract:** Provides relative to the probation of certain defendants who are placed in a drug division probation program or specialty court program.

Present law (R.S. 13:5304) relative to drug division probation programs, provides that in offering a defendant the opportunity to request treatment, the court shall advise the defendant that he will be placed under the supervision of the drug division probation program for not less than 12 months.

Proposed law amends present law to provide that the court will determine the period of time a defendant will be placed under the supervision of the drug division probation program, except that the probation period for a defendant convicted of an offense of present law (R.S. 14.98, 98.1, 98.2, or 98.3), relative to operating a vehicle while intoxicated, shall not be less than 12 months.

Present law (C.Cr.P. Art. 893) authorizes the court, upon consent of the district attorney, to suspend the sentence of a defendant after a fourth or subsequent conviction of a noncapital felony. Further provides that when suspension is allowed under present law, the defendant is required to be placed on probation under the supervision of the division of probation and parole. Requires the period of probation to be specified and to not be more than three years, except as otherwise provided in present law.

Proposed law retains present law and adds that if a defendant has been sentenced to complete a specialty court program as provided in present law (C.Cr.P. Art. 893(B)(2)), the defendant may be placed on probation under the supervision of a probation office, agency, or officer designated by the court, other than the division of probation and parole of the Dept. of Public Safety and Corrections.

(Amends R.S. 13:5304(B)(3)(b) and C.Cr.P. Art. 893(B)(3))