HLS 18RS-729 ENGROSSED

2018 Regular Session

HOUSE BILL NO. 168

BY REPRESENTATIVE MACK

PROBATION: Provides relative to the credit a defendant receives for time served while on probation when probation is revoked

1 AN ACT

To amend and reenact Code of Criminal Procedure Article 900(A)(5), relative to probation;

3 to provide relative to revocation of a defendant's probation; to provide relative to the

4 credit a defendant receives for time served while on probation when probation is

revoked; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 900(A)(5) is hereby amended and

reenacted to read as follows:

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Art. 900. Violation hearing; sanctions

A. After an arrest pursuant to Article 899, the court shall cause a defendant who continues to be held in custody to be brought before it within thirty days for a hearing. If a summons is issued pursuant to Article 899, or if the defendant has been admitted to bail, the court shall set the matter for a violation hearing within a reasonable time. The hearing may be informal or summary. The defendant may choose, with the court's consent, to appear at the violation hearing and stipulate the revocation by simultaneous audio-visual transmission in accordance with the provisions of Article 562. If the court decides that the defendant has violated, or was about to violate, a condition of his probation it may:

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1 (5)(a) Order that the probation be revoked. In the event of revocation the 2 defendant shall serve the sentence suspended, with or without credit for the time served on probation at the discretion of the court. If the imposition of sentence was 3 4 suspended, the defendant shall serve the sentence imposed by the court at the 5 revocation hearing. 6 (b) Notwithstanding the provisions of Subsubparagraph (a) of this 7 Subparagraph, in the event of revocation for a defendant placed on probation for the 8 conviction of an offense other than a crime of violence as defined in R.S. 14:2(B) or 9 a sex offense as defined in R.S. 15:541, the defendant shall serve the sentence 10 suspended with credit for time served on probation. 11

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)]

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Abstract: Provides relative to the credit a defendant receives for time served while on probation when the defendant's probation is revoked.

<u>Present law</u> provides that when a defendant's sentence is suspended and the defendant is placed on probation, if the defendant's probation is subsequently revoked, the defendant shall serve the sentence suspended, with or without credit for the time served on probation at the discretion of the court.

<u>Present law</u> further provides that in the event of revocation for a defendant placed on probation for the conviction of an offense other than a crime of violence or a sex offense, the defendant shall serve the sentence suspended <u>with</u> credit for time served on probation.

<u>Proposed law</u> removes this provision of <u>present law</u> which required a defendant, whose probation has been revoked, to receive credit for time served while on probation for a non-violent, non-sex offense, and instead authorizes the court to determine whether the defendant shall receive such credit.

(Amends C.Cr.P. Art. 900(A)(5))