

RÉSUMÉ DIGEST

ACT 70 (HB 178)

2020 Regular Session

Marino

Existing law provides that the court shall not defer a sentence for an offense or an attempted offense that is designated in the court minutes as a crime of violence or that is defined as a sex offense involving a child under the age of 17 years, for a violation of the Uniform Controlled Dangerous Substances Law that is punishable by a term of imprisonment of more than five years, or for a violation of existing law regarding the manufacture or distribution of certain controlled dangerous substances.

New law amends existing law to provide that the court shall not defer a sentence for a violation of the Uniform Controlled Dangerous Substances Law that is punishable by a term of imprisonment of more than 10 years, instead of five years, or for a violation of existing law regarding the manufacture or distribution of certain controlled dangerous substances.

Existing law provides that, upon motion of the defendant, if the court finds at the conclusion of the probationary period that the probation of the defendant has been satisfactory, the court may set the conviction aside and dismiss the prosecution.

Prior law provided that the dismissal shall occur only once with respect to any person.

New law increases the limitations on the number of dismissals from prosecution from not more than once to not more than twice.

Existing law provides that when the court finds that the defendant has successfully completed all conditions of probation of a case that was accepted into a drug court division probation program pursuant to existing law, the court with the concurrence of the district attorney may set aside the conviction and dismiss prosecution.

Prior law provided that the dismissal may occur only once with respect to any person.

New law increases the limitations on the number of dismissals from prosecution from not more than once to not more than twice.

Existing law provides that when a defendant who has been committed to the custody of the Dept. of Public Safety and Corrections to serve a sentence in the intensive incarceration program pursuant to existing law has successfully completed the intensive incarceration program as well as successfully completed all other conditions of parole or probation, and if the defendant is otherwise eligible, the court with the concurrence of the district attorney may set aside the conviction and dismiss prosecution.

Prior law provided that the dismissal may occur only once with respect to any person.

New law increases the limitations on the number of dismissals from prosecution from not more than once to not more than twice.

Effective Aug. 1, 2020.

(Amends C.Cr.P. Art. 893(E)(1)(b), (2), (3)(c), and (4))