
DIGEST

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HB 77 Engrossed

2021 Regular Session

Marino

Abstract: Authorizes the court, after a defendant's fourth or subsequent conviction of a noncapital felony, to suspend the imposition or execution of a sentence upon consent of the district attorney.

Present law authorizes the court to suspend a sentence and place a defendant on probation after a first, second, or third conviction for a noncapital felony. Provides that the period of probation shall be specified and shall not be more than three years.

Present law further provides that when it appears that the best interest of the public and of the defendant will be served, the court, after a fourth conviction of a noncapital felony or after a third or fourth conviction of operating a vehicle while intoxicated pursuant to present law (R.S. 14:98), may suspend, in whole or in part, the imposition or execution of the sentence when the defendant was not offered such alternatives prior to his fourth conviction of operating a vehicle while intoxicated and the following conditions exist:

- (1) The district attorney consents to the suspension of the sentence.
- (2) The court orders the defendant to do any of the following pursuant to present law:
 - (a) Enter and complete a program provided by the drug division of the district court.
 - (b) Enter and complete an established driving while intoxicated court or sobriety court program.
 - (c) Enter and complete a mental health court program.
 - (d) Enter and complete a Veterans Court program.
 - (e) Enter and complete a reentry court program.
 - (f) Reside for a minimum period of one year in a facility which conforms to the Judicial Agency Referral Residential Facility Regulatory Act.
 - (g) Enter and complete the Swift and Certain Probation Pilot Program.

Proposed law amends present law to provide that after a fourth or subsequent conviction of a

noncapital felony, the court may suspend, in whole or in part, the imposition or execution of the sentence upon the consent of the district attorney. Proposed law removes the requirement for such defendants to participate in the present law speciality court programs.

Proposed law retains the requirement of the consent of the district attorney and the defendant's participation in the present law speciality court programs for defendants with a third or fourth conviction of operating a vehicle while intoxicated.

(Amends C.Cr.P. Art. 893(B))