

2022 Regular Session

HOUSE BILL NO. 282

BY REPRESENTATIVE MARINO

PROBATION: Provides relative to the probation of defendants in drug division probation programs or specialty court programs

1 AN ACT

2 To amend and reenact R.S. 13:5304(B)(3)(b) and Code of Criminal Procedure Article  
3 893(B)(3), relative to probation programs; to provide relative to the probation period  
4 for certain defendants who participate in a drug division probation program; to  
5 provide relative to the supervision of defendants on probation in specialty court  
6 programs; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:5304(B)(3)(b) is hereby amended and reenacted to read as  
9 follows:

10 §5304. The drug division probation program

11 \* \* \*

12 B. Participation in probation programs shall be subject to the following  
13 provisions:

14 \* \* \*

15 (3) In offering a defendant the opportunity to request treatment, the court  
16 shall advise the defendant of the following:

17 \* \* \*

18 (b) If the defendant requests to undergo treatment and is accepted, the  
19 defendant will be placed under the supervision of the drug division probation  
20 program for a period of determined by the court, except that the probation period for

1           a defendant convicted of a violation of R.S. 14:98, 98.1, 98.2, or 98.3 shall not be  
2           less than twelve months.

3   \*       \*       \*

4           Section 2. Code of Criminal Procedure Article 893(B)(3) is hereby amended and  
5 reenacted to read as follows:

6           Art. 893. Suspension and deferral of sentence and probation in felony cases

7   \*       \*       \*

8                           B.

9   \*       \*       \*

10                       (3) When suspension is allowed under this Paragraph, the defendant shall be  
11 placed on probation under the supervision of the division of probation and parole.  
12 If the defendant has been sentenced to complete a specialty court program as  
13 provided in Subsubparagraph (2)(b) of this Paragraph, the defendant may be placed  
14 on probation under the supervision of a probation office, agency, or officer  
15 designated by the court, other than the division of probation and parole of the  
16 Department of Public Safety and Corrections. The period of probation shall be  
17 specified and shall not be more than three years, except as provided in Paragraph G  
18 of this Article. The suspended sentence shall be regarded as a sentence for the  
19 purpose of granting or denying a new trial or appeal.

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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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HB 282 Engrossed                                       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))