

2024 Regular Session

SENATE BILL NO. 413

BY SENATOR MILLER

CRIME/PUNISHMENT. Prohibits early termination of probation and parole for certain offenses. (8/1/24)

1 AN ACT

2 To amend and reenact R.S. 15:574.6.1(A)(1) and Code of Criminal Procedure Art.
3 893(H)(4) and 897(A), relative to probation and parole; to provide that terms for
4 probation or parole cannot be reduced for persons convicted of operating a vehicle
5 while intoxicated, vehicular homicide, vehicular negligent injuring, or first degree
6 negligent injuring; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:574.6.1(A)(1) is hereby amended and reenacted to read as follows:

9 §574.6.1. Compliance credits; parole

10 A.(1) Except as provided in Paragraph (2) of this Subsection, every offender
11 on parole for an offense other than a crime of violence as defined by R.S. 14:2(B),
12 ~~or~~ a sex offense as defined by R.S. 15:541, **operating a vehicle while intoxicated,**
13 **vehicular homicide, vehicular negligent injuring, or first degree vehicular**
14 **negligent injuring,** shall earn a diminution of parole term, to be known as "earned
15 compliance credits", by good behavior on parole. The amount of diminution of
16 parole term allowed under this Section shall be at the rate of thirty days for every full
17 calendar month on parole.

1 * * *

2 Section 2. Code of Criminal Procedure Art. 893(H)(4) and 897(A) are hereby
3 amended to read as follows:

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

5 * * *

6 H. * * *

7 (4) ~~The~~ **Notwithstanding the provisions of Code of Criminal Procedure**
8 **Article 897(A), the** court may terminate probation at any time as "satisfactorily
9 completed" upon the final determination that the defendant is in compliance with the
10 terms and conditions of probation.

11 * * *

12 Art. 897. Termination of probation or suspended sentence; discharge of defendant

13 A. In a felony case, **other than for a conviction of operating a vehicle**
14 **while intoxicated, vehicular homicide, vehicular negligent injuring, or first**
15 **degree vehicular negligent injuring,** the court may terminate the defendant's
16 probation, early or as unsatisfactory, and discharge him at any time after the
17 expiration of one year of probation when either of the following occur:

18 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jonathon Wagner.

DIGEST

SB 413 Engrossed 2024 Regular Session Miller

Present law provides that a person on parole for an offense, other than a crime of violence or a designated sex offense, will earn compliance credit for good behavior while on parole at a rate of 30 days for each full calendar month on parole.

Proposed law provides that a person on parole for an offense of operating a vehicle while intoxicated, vehicular homicide, vehicular negligent injuring, or first degree vehicular negligent injuring will not earn compliance credit. Proposed law otherwise retains present law.

Present law provides that the court may terminate probation as "satisfactorily completed" at any time if a final determination is made that the defendant is in compliance with all other terms and conditions of his probation.

Proposed law provides that a court will not terminate probation early if proposed law making certain offenses ineligible for earned compliance credits prohibits doing so.

Present law provides that in a felony case, the court may terminate probation early, or as unsatisfactory, and discharge the defendant at any time after the expiration of one year of probation in certain circumstances.

Proposed law provides that the court, for a conviction of operating a vehicle while intoxicated, vehicular homicide, vehicular negligent injuring, or first degree vehicular negligent injuring, will not terminate probation early, or as unsatisfactory, and discharge the defendant.

Effective August 1, 2024.

(Amends R.S. 15:574.6.1(A)(1), C.Cr.P. Art. 893(H)(4) and 897(A))