

**ACT No. 271**

Regular Session, 2014

HOUSE BILL NO. 1157

BY REPRESENTATIVE BADON

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AN ACT

To amend and reenact Code of Criminal Procedure Articles 895(B)(3) and 900(A)(6)(a), relative to probation; to increase the length of time a person may serve in intensive incarceration as a condition of probation; to provide for sanctions for violations of conditions of probation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 895(B)(3) and 900(A)(6)(a) are hereby amended and reenacted to read as follows:

Art. 895. Conditions of probation

\* \* \*

B.

\* \* \*

(3) In felony cases, an additional condition of the probation may be that the defendant be ordered to be committed to the custody of the Department of Public Safety and Corrections and be required to serve a sentence of not more than ~~six~~ twelve months without diminution of sentence in the intensive incarceration program pursuant to the provisions of ~~R.S. 15:574.4.1~~ R.S. 15:574.4.4. Upon successful completion of the program, the defendant shall return to supervised probation for a period of time as ordered by the court, subject to any additional conditions imposed by the court and under the same provisions of law under which the defendant was originally sentenced. If an offender is denied entry into the intensive incarceration program for physical or mental health reasons or for failure to meet the department's suitability criteria, the department shall

1 notify the sentencing court, and the offender shall be resentenced in accordance with the  
2 provisions of Code of Criminal Procedure Article 881.1.

3 \* \* \*

4 Art. 900. Violation hearing; sanctions

5 A. After an arrest pursuant to Article 899, the court shall cause a defendant who  
6 continues to be held in custody to be brought before it within thirty days for a hearing.  
7 If a summons is issued pursuant to Article 899, or if the defendant has been admitted to  
8 bail, the court shall set the matter for a violation hearing within a reasonable time. The  
9 hearing may be informal or summary. If the court decides that the defendant has violated,  
10 or was about to violate, a condition of his probation it may:

11 \* \* \*

12 (6)(a) Notwithstanding the provisions of Subparagraph (A)(5) of this Article, any  
13 defendant who has been placed on probation by the drug division probation program  
14 pursuant to R.S. 13:5304, and who has had his probation revoked under the provisions of  
15 this Article for a technical violation of drug division probation as determined by the court,  
16 may be ordered to be committed to the custody of the Department of Public Safety and  
17 Corrections and be required to serve a sentence of not more than ~~six~~ twelve months  
18 without diminution of sentence in the intensive incarceration program pursuant to the  
19 provisions of ~~R.S. 15:574.4.1~~ R.S. 15:574.4.4. Upon successful completion of the  
20 program, the defendant shall return to active, supervised probation with the drug division  
21 probation program for a period of time as ordered by the court, subject to any additional  
22 conditions imposed by the court and under the same provisions of law under which the  
23 defendant was originally sentenced. If an offender is denied entry into the intensive  
24 incarceration program for physical or mental health reasons or for failure to meet the  
25 department's suitability criteria, the department shall notify the sentencing court for

1           resentencing in accordance with the provisions of the Code of Criminal Procedure Article

2           881.1.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.