

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 271

2015 Regular Session

Billiot

PROBATION: Provides relative to probation for certain drug offenses

## Synopsis of Senate Amendments

1. Extends, from Aug. 1, 2016, to Aug. 1, 2020, the substance abuse probation program authorized to be established within the Dept. of Public Safety and Corrections by Act No. 389 of the 2013 Regular Session of the Legislature.

## Digest of Bill as Finally Passed by Senate

Present law (C.Cr.P. Art. 893(A) and (B)) authorizes the court to suspend the imposition or execution of a sentence for a defendant convicted of certain felony offenses and place the defendant on probation for a period not to exceed five years.

Present law (C.Cr.P. Art. 894(A)(1)) authorizes the court to suspend the imposition or execution of a sentence for a defendant convicted of certain misdemeanor offenses and place the defendant on probation for a period not to exceed two years.

Present law (C.Cr.P. Art. 894(A)(6) and (7)) provides that if a case is assigned to a drug division probation program or to an established driving while intoxicated or sobriety court program for a misdemeanor offense, with the consent of the district attorney, the court may place the defendant on supervised probation for a maximum of four years if the court determines that successful completion of the program may require that the period of probation exceed the two-year limit.

Present law (R.S. 13:5304) authorizes defendants who commit certain alcohol- or drug-related offenses to participate in a drug division probation program or a driving while intoxicated or sobriety court program when certain eligibility requirements are met. If accepted into the program, the defendant must enter a plea of guilty to the charge, the defendant's sentence is suspended, and the defendant is placed on supervised probation under the usual conditions of probation and under special conditions of probation related to the completion of such substance abuse treatment programs as are ordered by the court.

Present law (R.S. 13:5304) further provides that if the defendant successfully completes the probation program, the court may set aside the conviction and the prosecution may be dismissed in accordance with the provisions of present law.

Proposed law (C.Cr.P. Art. 893(A) and (B)) increases the maximum duration of the probation period for a person participating in a drug division probation program or a driving while intoxicated or sobriety court program for a felony offense from five years to eight years.

Proposed law (C.Cr.P. Art. 894(A)(6) and (7)) increases the maximum duration of the probation period for a person participating in a drug division probation program or a driving while intoxicated or sobriety court program for a misdemeanor offense from four years to eight years.

Present law (Act No. 389 of the 2013 R.S.) authorizes the secretary of DPS&C to establish a substance abuse probation program within the department to provide substance abuse counseling and treatment for defendants sentenced to the program. Present law further provides for the termination of the program on Aug. 1, 2016.

Proposed law amends present law to extend the substance abuse probation program from Aug. 1, 2016, to Aug. 1, 2020.

(Amends C.Cr.P. Arts. 893(A), (B)(1)(a)(iv)(aa) and (bb), and (B)(1)(b) and 894(A)(6) and (7), (B)(1), and (D)(1) and Sec. 4 of Act No. 389 of the 2013 R.S.)