

2016 Regular Session

HOUSE BILL NO. 55

BY REPRESENTATIVES DWIGHT, CHAD BROWN, GARY CARTER, COUSSAN,
HAZEL, MIKE JOHNSON, MAGEE, JAY MORRIS, AND SHADOIN

COURTS: Provides for the dismissal of certain criminal charges upon completion of the
Veterans Court program

1 AN ACT

2 To enact R.S. 13:5368, relative to courts and judicial procedure; to provide with respect to
3 Veterans Court programs in district court; to provide for dismissal of certain criminal
4 charges upon completion of a Veterans Court program; to provide with respect to
5 revocation of probation in certain circumstances; to provide for the effect of a
6 dismissal of criminal charges; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:5368 is hereby enacted to read as follows:

9 §5368. Dismissal of certain criminal charges upon completion of Veterans Court
10 program; revocation of probation; effects of dismissal

11 A. Notwithstanding any other provision of law to the contrary, as to any
12 person eligible for participation in a Veterans Court program as provided for under
13 the provisions of this Chapter, when it appears that the best interests of the public
14 and of the defendant will be served, with the prior approval of the district attorney,
15 the court may, without entering a judgment of guilt and with the consent of such
16 person, defer proceedings and place him on probation upon such reasonable terms
17 and conditions as may be required by the court and under the provisions of this
18 Chapter. If the defendant is accepted into the Veterans Court program, the defendant
19 must waive the right to a trial.

1 B. Upon the defendant's violation of any of the terms or conditions of his
2 probation, the court may revoke his probation, enter an adjudication of guilt, and
3 impose sentence upon such person. The entering of the adjudication of guilt shall
4 be retroactive to the date the defendant pled guilty or was convicted under
5 Subsection A of this Section, but the imposition or execution of sentence shall not
6 be retroactive.

7 C. Upon fulfillment of the terms and conditions of probation imposed in
8 accordance with this Section, the court shall discharge such person and dismiss the
9 proceedings against him.

10 D. The discharge and dismissal of charges pursuant to this Section shall be
11 without court adjudication of guilt and shall not be deemed a conviction for purposes
12 of disqualifications or disabilities imposed by law upon conviction of a crime,
13 including the additional penalties imposed for second or subsequent convictions
14 pursuant to R.S. 40:982. The discharge and dismissal pursuant to this Section may
15 occur only once with respect to any person.

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)]

HB 55 Engrossed

2016 Regular Session

Dwight

Abstract: Provides for the dismissal of certain criminal charges upon completion of Veterans Court program and provides for the effects of a dismissal.

Present law provides for the creation of Veterans Court probation programs in district courts.

Proposed law retains the provisions of present law and provides that the court may defer proceedings and place a defendant on probation when the court determines that it is in the best interest of justice. Requires the consent of the district attorney.

Proposed law provides that once the term of probation is completed, the criminal charges shall be dismissed against the person. Provides that the dismissal of charges shall be without court adjudication of guilt and shall not be deemed a conviction. Further provides that this dismissal shall only occur once with respect to any person.

Proposed law provides that if the defendant is accepted into the Veterans Court program, the defendant must waive the right to trial.

(Adds R.S. 13:5368)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Changed references from "Veterans Court probation program" to "Veterans Court program".
2. Specifies that the defendant must waive his right to trial if accepted into the Veterans Court program.