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## DIGEST

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HB 195 Original

2018 Regular Session

Mack

**Abstract:** Provides relative to the duration of probation for defendant's convicted of certain offenses, the defendant's eligibility to earn compliance credits, and the court's determination as to whether the defendant has earned compliance credits or early termination.

Present law provides that when a defendant is placed on probation for a first, second, or third conviction of a noncapital felony or for a fourth DWI conviction when certain conditions are met, the period of probation shall be specified and shall not be more than three years.

Proposed law amends present law to extend the duration from up to three years to up to five years.

Present law provides that every defendant on felony probation for an offense other than a crime of violence or a sex offense shall earn diminution of probation term, to be known as "earned compliance credits", by good behavior.

Proposed law amends present law to remove the mandate that such defendants earn compliance credits and provide that such defendants are eligible to earn compliance credits.

Proposed law further provides that for any defendant placed on probation for a period of two years or more, at the time of sentencing, the court is required to set a date, within two years of sentencing, for a review of the defendant's probation to determine whether the defendant has earned compliance credits and whether the defendant's probation term may be terminated early as "satisfactorily completed".

Proposed law provides for the list of factors that the court is required to consider in this regard including factors relative to the defendant's compliance with conditions of probation, employment history, use or abuse of alcohol or drugs, support of family obligations, pursuit of education or training, and pursuit of treatment.

If at the review of the defendant's probation, the court determines that the defendant has complied with the terms and conditions of probation, proposed law provides that the defendant's probation term may be terminated early as "satisfactorily completed".

If the court declines to authorize "earned compliance credits" or to terminate the defendant's probation early as "satisfactorily completed", proposed law requires the court to conduct an annual review of the defendant's probation until such time as the defendant is released from probation.

Proposed law requires the Dept. of Public Safety and Corrections, division of probation and parole to submit written compliance reports to the sentencing court, the prosecuting agency, and to the defendant and his attorney with recommendations regarding all issues relevant to the defendant's probation within ten days prior to the probation review.

Proposed law provides that any party may request that a contradictory hearing be held as part of the court's review of the defendant's probation or upon issuance of the court's ruling, if no hearing is held prior to the court's decision, for the purpose of challenging the court's findings and ruling.

(Amends C.Cr.P. Arts. 893(A)(1)(a) and (4), (B)(2), and (G) and 895.6(A); Adds C.Cr.P. Art. 893(H))