



his criminal conviction are forgiven and considered paid-in-full if the defendant makes consistent monthly payments for either 12 consecutive months or consistent monthly payments for ½ of the defendant's term of supervision, whichever is longer.

Proposed law retains present law except to add that, notwithstanding any other provision present law or proposed law to the contrary, a court may not waive nor forgive restitution due to a crime victim.

Present law (effective 8/1/18) provides that the judge may extend probation only one time and only by a period of six months for the purpose of monitoring collection of unpaid victim restitution if the court finds on the record by clear and convincing evidence that the court's temporary ongoing monitoring would ensure collection of unpaid restitution more effectively than certain other methods. Present law further provides that a six-month extension of probation as provided in present law applies only to the order of victim restitution, and all other conditions of probation during the six-month extension are terminated.

Proposed law changes the period of time for which the judge may extend probation from six months to a period not to exceed the original term of probation for the purpose of monitoring collection of unpaid victim restitution if the court finds that the court's temporary ongoing monitoring would likely aid in the collection of unpaid restitution more effectively than any of the methods enumerated in present law.

Proposed law otherwise retains present law.

Present law provides that every defendant on felony probation pursuant to present law for an offense other than a crime of violence or a sex offense will earn a diminution of probation term, to "earned compliance credits" ("good time") by good behavior. Present law further provides that the amount of diminution of probation term allowed under present law is to be at the rate of 30 days for every full calendar month on probation.

Proposed law deletes present law.

Present law provides that in a felony case, the court may terminate the defendant's probation, early or as unsatisfactory, and discharge him at any time after the expiration of one year of probation when either of the following occur:

- (1) The state has previously provided written verification that it has no opposition to the termination of the probation.
- (2) A contradictory hearing with the state, set by the court, has been held, and the court must provide notice of the hearing to the state at least 15 days prior to the hearing date.

Proposed law retains present law and adds that, notwithstanding any provision of present law to the contrary, for a defendant on felony probation:

- (1) For an offense other than a crime of violence or a sex offense, the court must terminate the

defendant's probation and discharge him after the expiration of one year of probation provided that all conditions of probation have been completed and any restitution order has been paid in full.

- (2) For an offense that is a crime of violence or a sex offense, or an offense for which probation has not been terminated after one year due to failure to complete conditions of probation, the court may in its discretion terminate the defendant's probation and discharge him provided that there has been substantial completion of the conditions of probation and any restitution order has been paid in full.

Present law provides that after an arrest for a violation of probation pursuant to present law, the court is to bring the defendant who continues to be held in before it within 30 days for a hearing. Present law further provides that if a summons is issued pursuant to present law, or if the defendant has been admitted to bail, the court is to set the matter for a violation hearing within a reasonable time, which hearing may be informal or summary. Present law further provides that the defendant may choose, with the court's consent, to appear at the violation hearing and stipulate the revocation by simultaneous audio-visual transmission in accordance with present law. Present law further provides that if the court decides that the defendant has violated, or was about to violate, a condition of his probation it may do one of several things, including order that the probation be revoked. Present law further provides that in the event of revocation the defendant must serve the sentence suspended, with or without credit for the time served on probation at the discretion of the court. Present law further provides that if the imposition of sentence was suspended, the defendant must serve the sentence imposed by the court at the revocation hearing.

Proposed law retains present law.

Present law provides that in the event of revocation for a defendant placed on probation for the conviction of an offense other than a crime of violence or a sex offense, the defendant will serve the sentence suspended with credit for time served on probation ("street credit").

Proposed law deletes present law.

Effective August 1, 2018.

(Amends C.Cr.P. Art. 875.1(C), (D)(1)(a) and (2)(c), and (E), 894.4(B)(intro para) and (C), 897(A)(intro para), and 900(A)(5); adds C.Cr.P. Art. 897(C); repeals C.Cr.P. Art. 895.6)