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## DIGEST

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HB 526 Original

2018 Regular Session

Bagneris

**Abstract:** Provides relative to the credit a non-violent, non-sex offender receives for time served while on probation when probation is revoked, and the amount of time the offender is required to serve for a technical violation of his probation conditions.

Present law provides that after an arrest of a defendant who was placed on probation, the court shall cause a defendant who continues to be held in custody to be brought before it within 30 days for a violation hearing. If the court decides that the defendant has violated, or was about to violate, a condition of his probation, present law provides for a list of actions that the court is authorized to take including the issuance of an order that the defendant's probation be revoked.

In the event of revocation, present law provides that the defendant shall serve the sentence suspended, with or without credit for the time served on probation at the discretion of the court. However, if the defendant was placed on probation for the conviction of a non-violent, non-sex offense, present law provides that the defendant shall receive credit toward his suspended sentence for the time he served while on probation.

Proposed law amends present law to provide that in the event of revocation, the defendant shall serve the sentence suspended with credit for the time served on probation regardless of the offense for which his sentence was suspended.

Present law provides that any defendant who has been placed on probation by the court for the conviction of an offense other than a crime of violence or sex offense, and who has had his probation revoked pursuant to present law for a technical violation of his probation as determined by the court, shall be required to serve, without diminution of sentence, as follows:

- (i) For a first technical violation, not more than fifteen days.
- (ii) For a second technical violation, not more than thirty days.
- (iii) For a third or subsequent technical violation, not more than forty-five days.
- (iv) For custodial substance abuse treatment programs, not more than ninety days.

Proposed law retains present law, but expands its application to defendants placed on probation for the conviction of a crime of violence or sex offense.

(Amends C.Cr.P. Art. 900(A)(5) and (6)(b))