
DIGEST

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HB 195 Engrossed

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 which may be awarded pursuant to a procedure provided by proposed law as follows:

- (1) If any defendant is placed on supervised probation for a period of two years or more, upon the defendant's having served 18 months of his probation, the division of probation and parole shall submit a written compliance report to the court, the prosecuting agency, and to the defendant and his attorney, with recommendations regarding all issues relevant to the defendant's probation.
- (2) The court shall review the report to determine whether the defendant has earned compliance credits and to determine whether the defendant's probation term may be terminated early as "satisfactorily completed".
- (3) Upon making its determination, the court shall issue an interim order which shall be provided to all parties who then will have ten days to request a contradictory hearing challenging the court's interim ruling.
- (4) Any contradictory hearing requested shall be held no later than thirty days from the date of the request. If no contradictory hearing is requested within the ten-day period, the court's findings and rulings shall stand and the court's interim order shall become final.

- (5) If at the review or after the contradictory hearing the court determines that the defendant substantially complied with all terms and conditions of probation, proposed law requires the court to award the defendant his earned compliance credits and may order that the defendant's probation be terminated early as "satisfactorily completed".
- (6) If the court declines to authorize "earned compliance credits" or to terminate the defendant's probation early as "satisfactorily completed", the court shall conduct an annual review of the defendant's probation until such time as the defendant is released from probation.

(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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Amend the procedure provided in proposed law by which a defendant is awarded earned compliance credits as follows:
 - (a) Upon the defendant's having served 18 months of probation, the division of probation and parole shall submit a written compliance report to the court, the prosecuting agency, and to the defendant and his attorney, with recommendations regarding all issues relevant to the defendant's probation.
 - (b) The court shall review the report, make its determination, and issue an interim order which shall be provided to all parties who then will have ten days to request a contradictory hearing challenging the court's interim ruling.
 - (c) Requires any contradictory hearing requested to be held no later than thirty days from the date of the request. If no contradictory hearing is requested within the ten-day period, the court's findings and rulings shall stand and the court's interim order shall become final.
 - (d) If at the review or after the contradictory hearing the court determines that the defendant substantially complied with all terms and conditions of probation, the bill requires the court to award the defendant his earned compliance credits and may order that the defendant's probation be terminated early as "satisfactorily completed".