DIGEST

SB 501 Original   2018 Regular Session   Walsworth

Present law provides that a violation hearing shall occur if a person is arrested for a violation of his
probation. Further provides that if the court finds that the defendant violated or was about to violate
a condition of his probation it can impose certain sanctions, including revoke the defendant's
probation.

Proposed law retains present law.

Present law provides that when probation is revoked for a defendant placed on probation for the
conviction of an offense that is not a crime of violence or a sex offense, he shall serve the sentence
suspended with credit for time served on probation.

Present law provides that when probation is revoked for a defendant placed on probation for the
conviction of an offense that is a crime of violence or sex offense, he shall serve the sentence
suspended, with or without credit for the time served on probation at the discretion of the court.

Proposed law provides that if probation is revoked for a defendant, regardless of his conviction, the
court shall have the discretion to determine if the sentence suspended will be served with or without
credit for time served.

Present law provides that any defendant placed on probation by the drug division probation program
may have his probation revoked for a technical violation.

Proposed law retains present law.

Present law defines "technical violation" as it pertains to those placed on probation by the drug
division probation program, as any violation, except:

(1)   An allegation of a criminal act that is subsequently proven to be a felony.

(2)   An allegation of a criminal act that is subsequently proven to be an intentional misdemeanor
        directly affecting the person.

(3)   An allegation of a criminal act that is subsequently proven to be a violation of a protective
        order, issued against the offender to protect a family member or household member, or dating
        partner.

(4)   Being in possession of a firearm or other prohibited weapon.

(5)   Absconding from the jurisdiction of the court by leaving the state without the prior approval of the court or the probation and parole officer.

Proposed law provides that "technical violation", as it pertains to those placed on probation by the drug division probation program, may include any violation, at the discretion of the court. Proposed law retains the present law exceptions.

Present law provides that if a parolee is returned to the physical custody of DPSC, the committee on parole shall hold a hearing to determine if his parole should be revoked, unless the hearing is waived by the parolee.

Proposed law retains present law.

Present law provides that if parole is revoked for a technical violation, the person shall be incarcerated for a certain amount of time.

Proposed law retains present law.

Present law defines "technical violation", as it pertains to parole revocation, as any violation, except:

(1)   An allegation of a criminal act that is subsequently proven to be a felony.

(2)   An allegation of a criminal act that is subsequently proven to be an intentional misdemeanor directly affecting the person.

(3)   An allegation of a criminal act that is subsequently proven to be a violation of a protective order issued against the offender to protect a household member or family member, or dating partner.

(4)   Being in possession of a firearm or other prohibited weapon.

(5)   Absconding from the jurisdiction of the committee on parole by leaving the state without the prior approval of the probation and parole officer.

Proposed law provides that "technical violation", as it pertains to parole revocation, may include any violation, at the discretion of the committee on parole. Proposed law retains the present law exceptions.

Effective August 1, 2018.

(Amends C.Cr.P. Art. 900(A)(5), (6)(b)(intro para) and (6)(d)(intro para) and R.S. 15:574.9(H)(2)(intro para))