
SENATE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 389
by Senator Claitor

1 AMENDMENT NO. 1

2 On page 1, line 5, after "900(A)(5)" insert "and (6)(b)(iv) and (d)(v)"

3 AMENDMENT NO. 2

4 On page 1, line 6, after "Art." delete "893(H)" and insert "875.1(G), 893(H), and
5 900(A)(6)(b)(v) and (d)(vi)"

6 AMENDMENT NO. 3

7 On page 1, line 15, after "900(A)(5)" insert "and (6)(b)(iv) and (d)(v)"

8 AMENDMENT NO. 4

9 On page 1, line 16, after "Art." delete "893(H) is" and insert "875.1(G), 893(H), and
10 900(A)(6)(b)(v) and (d)(vi) are"

11 AMENDMENT NO. 5

12 On page 2, at the end of line 3 after "Article," insert "**and upon motion of the defendant**
13 **that establishes a prima facie case of substantial financial hardship to the defendant,**"

14 AMENDMENT NO. 6

15 On page 2, delete line 4 and insert "the court shall **conduct a hearing to** determine"

16 AMENDMENT NO. 7

17 On page 2, at the end of line 9, change "**underemployed**" to "**employed**"

18 AMENDMENT NO. 8

19 On page 2, line 24, after "restitution," delete the remainder of the line and insert "half of the"

20 AMENDMENT NO. 9

21 On page 3, delete line 27 and insert the following:

22 **"F. If, at the termination or end of the defendant's term of supervision,**
23 **any restitution ordered by the court remains outstanding, the balance of the**
24 **unpaid restitution shall be reduced to a civil money judgment in favor of the**
25 **person to whom restitution is owed, which may be enforced in the same manner**
26 **as provided for the execution of judgments pursuant to the Code of Civil**
27 **Procedure. For any civil money judgment ordered under this Article, the clerk**
28 **shall send notice of the judgment to the last known address of the person to**
29 **whom the restitution is ordered to be paid.**

30 **G.** The provisions of this Article shall apply only to defendants convicted of
31 offenses classified as felonies under applicable law.

32 * * *

1 AMENDMENT NO. 10

2 On page 4, line 7, after "more than" delete the remainder of the line and insert "three years,
3 **except as provided by Paragraph H of this Article.**"

4 AMENDMENT NO. 11

5 On page 4, line 11, after "five-year" insert "or three-year"

6 AMENDMENT NO. 12

7 On page 4, line 16, after "more than" delete "**five**" and insert "three"

8 AMENDMENT NO. 13

9 On page 4, at the end of line 29, after "exceed the" insert "three-"

10 AMENDMENT NO. 14

11 On page 5, at the beginning of line 1, delete "**five-year**" and insert "year"

12 AMENDMENT NO. 15

13 On page 5, delete lines 4 through 29 and insert the following:

14 **"H.(1) If any defendant is placed on supervised probation, the**
15 **supervising probation officer shall submit to the court a compliance report**
16 **whenever requested by the court, or when it appears necessary to have the court**
17 **make a determination with respect to "earned compliance credits",**
18 **modification of any terms or conditions of probation, termination of probation,**
19 **revocation of probation, or any other purpose proper under the law.**

20 **(2) Absent extenuating circumstances, the court shall, within ten days of**
21 **receipt of the compliance report, make an initial determination as to the issues**
22 **presented and shall transmit the decision to the probation officer. The**
23 **probation officer shall disseminate the decision to the defendant and the**
24 **prosecuting agency within ten days of receipt. The parties shall have ten days**
25 **from receipt of the initial determination of the court to seek an expedited**
26 **contradictory hearing for the purpose of challenging the court's initial**
27 **determination. If no timely challenge is made, the court's initial determination**
28 **shall become final and shall constitute a valid order of the court.**

29 **(3) After a review of the compliance report, if it is the recommendation**
30 **of the supervising probation officer that the defendant is in compliance with the**
31 **conditions of probation in accordance with the compliance report, the court**
32 **shall grant "earned compliance credit" for the time, absent a showing of cause**
33 **for a denial.**

34 **(4) The court may terminate probation at any time as "satisfactorily**
35 **completed" upon the final determination that the defendant is in compliance**
36 **with the terms and conditions of probation.**

37 **(5) If the court determines that the defendant has failed to successfully**
38 **complete the terms and conditions of probation, the court may extend the**
39 **probation period for a period not to exceed two years, for the purpose of**
40 **allowing the defendant additional time to complete the terms of probation.**

41 **(6) For purposes of this Paragraph:**
42 **(a) "Compliance" means the full completion of the terms and conditions**
43 **of probation as imposed by the sentencing judge.**

44 **(b) "Compliance report" means a report generated and signed by the**
45 **probation officer that contains clear and concise information relating to the**
46 **defendant's performance relative to "earned compliance credits" and may**
47 **contain a recommendation as to early termination, additional conditions, the**
48 **extension of probation, or the revocation of probation.**

49 * * *

1 AMENDMENT NO. 16

2 On page 6, delete lines 1 through 24

3 AMENDMENT NO. 17

4 On page 6, line 28, change "**entitled**" to "**eligible**"

5 AMENDMENT NO. 18

6 On page 7, delete line 27, insert the following:

7 "(6)(a) * * *

8 (b) Notwithstanding the provisions of Subparagraph (A)(5) of this Article,
9 any defendant who has been placed on probation by the court for the conviction of
10 an offense other than a crime of violence as defined in R.S. 14:2(B) or of a sex
11 offense as defined by R.S. 15:541, and who has had his probation revoked under the
12 provisions of this Article for a technical violation of his probation as determined by
13 the court, shall be required to serve, without diminution of sentence, as follows:

14 * * *

15 (iv) For **a fourth or subsequent violation may order that the probation**
16 **be revoked, in accordance with Subsubparagraph (5)(a) of this Subparagraph.**

17 (v) **For** custodial substance abuse treatment programs, not more than ninety
18 days.

19 * * *

20 (d) A "technical violation", as used in this Paragraph, means any violation
21 except it shall not include any of the following:

22 * * *

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

25 (vi) **Probation shall neither be revoked nor extended based solely upon**
26 **the defendant's inability to pay fines, costs, or restitution to the victim.**

27 * * *"