

ACT No. 508

2018 Regular Session

HOUSE BILL NO. 537

BY REPRESENTATIVE MARINO

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AN ACT

To amend and reenact R.S. 15:574.6.1(A) and Code of Criminal Procedure Articles 893(B)(1)(introductory paragraph) and (b)(iii) and (iv) and (G) and 895.6(A) and to enact Code of Criminal Procedure Article 893(B)(1)(b)(v), (vi), and (vii), relative to participation in specialty court programs; to authorize probation for persons convicted of certain offenses to allow for participation in a specialty court program upon approval by the district attorney and under certain circumstances; to provide relative to the circumstances under which the sentence of a fourth conviction for a noncapital felony may be suspended; to provide relative to the duration of probation when a defendant is placed in a specialty court program; to prohibit specialty court program participants from earning compliance credits toward a term of probation or parole; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 893(B)(1)(introductory paragraph) and (b)(iii) and (iv) and (G) and 895.6(A) are hereby amended and reenacted and Code of Criminal Procedure Article 893(B)(1)(b)(v), (vi), and (vii) are hereby enacted to read as follows:

Art. 893. Suspension and deferral of sentence and probation in felony cases

* * *

B.(1) Notwithstanding any other provision of law to the contrary, when it appears that the best interest of the public and of the defendant will be served, the court, after a fourth conviction of a noncapital felony or after a third or fourth conviction of operating a vehicle while intoxicated pursuant to R.S. 14:98, may

1 suspend, in whole or in part, the imposition or execution of the sentence when the
2 defendant was not offered such alternatives prior to his fourth conviction of
3 operating a vehicle while intoxicated and the following conditions exist:

4 * * *

5 (b) The court orders the defendant to do any of the following:

6 * * *

7 (iii) Enter and complete a mental health court program established pursuant
8 to R.S. 13:5351 et seq.

9 (iv) Enter and complete a Veterans Court program established pursuant to
10 R.S. 13:5361 et seq.

11 (v) Enter and complete a reentry court program established pursuant to R.S.
12 13:5401.

13 ~~(iii)~~(vi) Reside for a minimum period of one year in a facility which
14 conforms to the Judicial Agency Referral Residential Facility Regulatory Act, R.S.
15 40:2851 et seq.

16 ~~(iv)~~(vii) Enter and complete the Swift and Certain Probation Pilot Program
17 established pursuant to R.S. 13:5371 et seq.

18 * * *

19 G. If the court, with the consent of the district attorney, orders a defendant;
20 ~~upon a third conviction or fourth felony conviction,~~ to enter and complete a program
21 provided by the drug division of the district court pursuant to R.S. 13:5301, an
22 established driving while intoxicated court or sobriety court program, a mental health
23 court program established pursuant to R.S. 13:5351 et seq., a Veterans Court
24 program established pursuant to R.S. 13:5361 et seq., a reentry court established
25 pursuant to R.S. 13:5401, or the Swift and Certain Probation Pilot Program
26 established pursuant to R.S. 13:5371, the court may place the defendant on probation
27 for a period of not more than eight years if the court determines that successful
28 completion of the program may require that period of probation to exceed the three-
29 year limit. The court may not extend the duration of the probation period solely due

1 to unpaid fees and fines. The period of probation as initially fixed or as extended
2 shall not exceed eight years.

3 * * *

4 Art. 895.6. Compliance credits; probation

5 A.(1) ~~Every~~ Except as provided in Subparagraph (2) of this Paragraph, every
6 defendant on felony probation pursuant to Article 893 for an offense other than a
7 crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S.
8 15:541 shall earn a diminution of probation term, to be known as "earned compliance
9 credits", by good behavior. The amount of diminution of probation term allowed
10 under this Article shall be at the rate of thirty days for every full calendar month on
11 probation.

12 (2) A defendant who is ordered by the court to enter and complete a specialty
13 court program is not eligible to receive earned compliance credits pursuant to the
14 provisions of this Article. For purposes of this Article, "specialty court program"
15 includes any of the following: a program provided by the drug division of the
16 district court pursuant to R.S. 13:5301, an established driving while intoxicated court
17 or sobriety court program, a mental health court program established pursuant to R.S.
18 13:5351 et seq., a Veterans Court program established pursuant to R.S. 13:5361 et
19 seq., a reentry court established pursuant to R.S. 13:5401, or the Swift and Certain
20 Probation Pilot Program established pursuant to R.S. 13:5371.

21 * * *

22 Section 2. R.S. 15:574.6.1(A) is hereby amended and reenacted to read as follows:
23 §574.6.1. Compliance credits; parole

24 A.(1) ~~Every~~ Except as provided in Paragraph (2) of this Subsection, every
25 offender on parole for an offense other than a crime of violence as defined by R.S.
26 14:2(B) or a sex offense as defined by R.S. 15:541 shall earn a diminution of parole
27 term, to be known as "earned compliance credits", by good behavior on parole. The
28 amount of diminution of parole term allowed under this Section shall be at the rate
29 of thirty days for every full calendar month on parole.

