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## DIGEST

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HB 232 Original

2021 Regular Session

Marino

**Abstract:** Provides relative to discharge and dismissal of misdemeanor convictions and removes the restriction that such discharge and dismissal may occur only once with respect to any person during a five-year period.

Present law relative to misdemeanor convictions, provides that dismissal of prosecution shall have the same effect as an acquittal, except that the conviction may be considered as a prior offense and provide the basis for subsequent prosecution of the party as a multiple offender. Provides that such discharge and dismissal may occur only once with respect to any person during a five-year period. Further provides that discharge and dismissal for the offense of operating a vehicle while intoxicated may occur only once with respect to any person during a 10-year period.

Proposed law amends present law to remove the restriction that discharge and dismissal may occur only once with respect to any person during a five-year period. Further provides that a discharge and dismissal for the offense of operating a vehicle while intoxicated may occur only once within a five-year period rather than a 10-year period.

Present law provides that discharge and dismissal may occur on a single subsequent prosecution and conviction which occurs during a 10-year period if the following conditions are met:

- (1) The offender has successfully completed a driving while intoxicated court or sobriety court program.
- (2) The conditions imposed by the court pursuant to the provisions of present law (C.Cr.P. Art. 894(A)(3)) have been met.

Proposed law repeals present law.

(Amends C.Cr.P. Art. 894(B)(2); Repeals C.Cr.P. Art. 894(B)(3))