

ACT No. 61

2021 Regular Session

HOUSE BILL NO. 77

BY REPRESENTATIVES MARINO, JONES, LANDRY, AND MARCELLE

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 893(B), relative to suspension of
3 sentences in felony cases; to provide relative to fourth or subsequent convictions;
4 to provide relative to the consent of the district attorney; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 893(B) is hereby amended and
8 reenacted to read as follows:

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

10 * * *

11 B.(1) Notwithstanding any other provision of law to the contrary, when it
12 appears that the best interest of the public and of the defendant will be served, the
13 court, after a fourth or subsequent conviction of a noncapital felony may suspend,
14 in whole or in part, the imposition or execution of the sentence upon consent of the
15 district attorney.

16 ~~(2)~~ or after After a third or fourth conviction of operating a vehicle while
17 intoxicated pursuant to R.S. 14:98, the court may suspend, in whole or in part, the
18 imposition or execution of the sentence when the defendant was not offered such
19 alternatives prior to his fourth conviction of operating a vehicle while intoxicated
20 and the following conditions exist:

- 21 (a) The district attorney consents to the suspension of the sentence.
- 22 (b) The court orders the defendant to do any of the following:
 - 23 (i) Enter and complete a program provided by the drug division of the district
 - 24 court pursuant to R.S. 13:5301 et seq.

1 (ii) Enter and complete an established driving while intoxicated court or
2 sobriety court program.

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

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

7 (v) Enter and complete a reentry court program established pursuant to R.S.
8 13:5401.

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

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

14 ~~(2)~~(3) When suspension is allowed under this Paragraph, the defendant shall
15 be placed on probation under the supervision of the division of probation and parole.
16 The period of probation shall be specified and shall not be more than three years,
17 except as provided in Paragraph G of this Article. The suspended sentence shall be
18 regarded as a sentence for the purpose of granting or denying a new trial or appeal.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____