

2022 Regular Session

HOUSE BILL NO. 282

BY REPRESENTATIVE MARINO

PROBATION: Provides relative to the probation of defendants in drug division probation programs or specialty court programs

1 AN ACT

2 To amend and reenact R.S. 13:5304(B)(3)(b) and Code of Criminal Procedure Article  
3 893(B)(3), relative to probation programs; to provide relative to the probation period  
4 for certain defendants who participate in a drug division probation program; to  
5 provide relative to the supervision of defendants on probation in specialty court  
6 programs; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:5304(B)(3)(b) is hereby amended and reenacted to read as  
9 follows:

10 §5304. The drug division probation program

11 \* \* \*

12 B. Participation in probation programs shall be subject to the following  
13 provisions:

14 \* \* \*

15 (3) In offering a defendant the opportunity to request treatment, the court  
16 shall advise the defendant of the following:

17 \* \* \*

18 (b) If the defendant requests to undergo treatment and is accepted, the  
19 defendant will be placed under the supervision of the drug division probation  
20 program for a period of determined by the court, except that the probation period for



Proposed law amends present law to provide that the court will determine the period of time a defendant will be placed under the supervision of the drug division probation program, except that the probation period for a defendant convicted of an offense of present law (R.S. 14.98, 98.1, 98.2, or 98.3), relative to operating a vehicle while intoxicated, shall not be less than 12 months.

Present law (C.Cr.P. Art. 893) authorizes the court, upon consent of the district attorney, to suspend the sentence of a defendant after a fourth or subsequent conviction of a noncapital felony. Further provides that when suspension is allowed under present law, the defendant is required to be placed on probation under the supervision of the division of probation and parole. Requires the period of probation to be specified and to not be more than three years, except as otherwise provided in present law.

Proposed law retains present law and adds that if a defendant has been sentenced to complete a specialty court program as provided in present law (C.Cr.P. Art. 893(B)(2)), the defendant may be placed on probation under the supervision of a probation office, agency, or officer designated by the court, other than the division of probation and parole of the Dept. of Public Safety and Corrections.

(Amends R.S. 13:5304(B)(3)(b) and C.Cr.P. Art. 893(B)(3))