

RÉSUMÉ DIGEST

ACT 615 (HB 282)

2022 Regular Session

Marino

Existing law (R.S. 13:5304) relative to drug division probation programs, provides that in offering a defendant the opportunity to request treatment, the court shall advise the defendant that he will be placed under the supervision of the drug division probation program for not less than 12 months.

New law amends existing 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 existing 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.

Existing 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 existing 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 existing law.

New law retains existing law and adds that if a defendant has been sentenced to complete a specialty court program as provided in existing 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.

Effective August 1, 2022.

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