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## DIGEST

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HB 214 Original

2025 Regular Session

Villio

**Abstract:** Provides relative to revocation of probation.

Present law (C.Cr.P. Art. 900(A)(5)) provides that in the event of revocation of probation, the defendant shall serve the sentence suspended, with or without credit for the time served on probation at the discretion of the court. Further provides that if the imposition of sentence was suspended, the defendant shall serve the sentence imposed by the court at the revocation hearing.

Proposed law removes the reference to credit for time served and provides that the defendant shall serve the sentence suspended in the event of revocation.

Present law (C.Cr.P. Art. 900(A)(6)(e)) provides for a list of offenses that are not considered technical violations.

Proposed law retains present law.

Present law (C.Cr.P. Art. 900(A)(6)(e)(i)(bb)) provides that a violation of any provision of present law (Title 40 of the La. R.S. of 1950), except for misdemeanor possession of marijuana or tetrahydrocannabinol, or chemical derivatives thereof, as provided in present law (R.S. 40:966(C)(2)), shall be considered a "technical violation" of probation.

Proposed law retains present law and includes any prohibited act involving drug paraphernalia as provided in present law (R.S. 40:1023) as a "technical violation" of probation.

Present law (C.Cr.P. Art. 901(A)) provides for the permissive revocation of probation when a defendant who is on probation for a felony commits or is convicted of a felony under La. law, or under the laws of another state, the U.S., or the District of Columbia, or is convicted of a misdemeanor under the provisions of present law (Title 14 of the La. Revised Statutes of 1950 or Part X of Ch. 4 of Title 40 of the La. R.S. of 1950).

Proposed law amends present law to provide for the mandatory revocation of probation when a defendant who is on probation for a felony subsequently commits and is convicted of a felony under the laws of La., another state, the U.S., or D.C., and which would be a felony if committed in La.

Proposed law removes the reference to probation revocation for misdemeanor offenses under the provisions of present law (Title 14 or Part X of Ch. 4 of Title 40 of the La. R.S. of 1950).

Proposed law provides that the provisions of present law (C.Cr.P. Art. 901) shall not apply to a defendant who, as an additional condition for the violation of his probation, has been ordered to complete a drug or specialty court program.

Proposed law provides that a defendant who is eligible for revocation of probation pursuant to present law (C.Cr.P. Art. 901(A)) and does not successfully complete such court-ordered drug or specialty court program shall have his probation revoked as of the date of the commission of the felony or final conviction of the felony.

(Amends C.Cr.P. Arts. 900(A)(5) and (6)(e)(i)(bb) and 901(A); Adds C.Cr.P. Art. 901(D))