

2025 Regular Session

HOUSE BILL NO. 214

BY REPRESENTATIVE VILLIO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PROBATION: Provides relative to revocation of probation

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 900(A)(5) and (6)(e)(i)(bb) and
3 901(A) and to enact Code of Criminal Procedure Article 901(D), relative to
4 probation; to provide relative to revocation of probation; to provide relative to a
5 technical violation of probation; to provide for an exception; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Articles 900(A)(5) and (6)(e)(i)(bb) and
9 901(A) are hereby amended and reenacted and Code of Criminal Procedure Article 901(D)
10 is hereby enacted to read as follows:

11 Art. 900. Violation hearing; sanctions

12 A. After an arrest pursuant to Article 899, the court shall cause a defendant
13 who continues to be held in custody to be brought before it within thirty days for a
14 hearing. If a summons is issued pursuant to Article 899, or if the defendant has been
15 admitted to bail, the court shall set the matter for a violation hearing within a
16 reasonable time. The hearing may be informal or summary. The defendant may
17 choose, with the court's consent, to appear at the violation hearing and stipulate the
18 revocation by simultaneous audio-visual transmission in accordance with the
19 provisions of Article 562. If the court decides that the defendant has violated, or was
20 about to violate, a condition of his probation, it may:

21 * * *

(5) Order that the probation be revoked. In the event of revocation, the defendant shall serve the sentence suspended, ~~with or without credit for the time served on probation at the discretion of the court.~~ If the imposition of sentence was suspended, the defendant shall serve the sentence imposed by the court at the revocation hearing.

(6)

* * *

(e) None of the following, unless deemed a technical violation by the court when its discretion is permitted, shall be considered a technical violation nor addressed by administrative sanctions:

(i) Being arrested for, charged with, or convicted of any of the following:

* * *

(bb) A violation of any provision of Title 40 of the Louisiana Revised Statutes of 1950, except for misdemeanor possession of marijuana, or tetrahydrocannabinol, or chemical derivatives thereof; as provided in R.S. 40:966(C)(2) or any prohibited act involving drug paraphernalia as provided in R.S. 40:1023, which shall be considered a "technical violation".

* * *

Art. 901. Revocation for commission of another offense

A. In addition to the grounds for revocation of probation enumerated in ~~Louisiana Code of Criminal Procedure Article 900, when~~ a defendant who is on probation for a felony who subsequently commits ~~or~~ and is convicted of a felony under the laws of this state, ~~or under the laws of another state, the United States, or the District of Columbia, or is convicted of a misdemeanor under the provisions of Title 14 of the Louisiana Revised Statutes of 1950, or is convicted of a misdemeanor under the provisions of the Uniform Controlled Dangerous Substances Law contained in Title 40 of the Louisiana Revised Statutes of 1950; and which if~~ committed in this state would be a felony, shall have his probation ~~may be~~ revoked

as of the date of the commission of the felony or final conviction of the felony ~~or~~
misdemeanor.

* * *

D. The provisions of this Article 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. A defendant who is eligible for revocation of probation pursuant to Paragraph A of this Article 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.

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 214 Engrossed

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))