

RÉSUMÉ DIGEST

ACT 72 (HB 214)

2025 Regular Session

Villio

Existing law (C.Cr.P. Art. 900) provides relative to hearings for violation of probation.

New law retains existing law.

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

New law retains existing law.

Existing law (C.Cr.P. Art. 900(A)(6)(e)(i)(bb)) provides that a violation of any provision of existing 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 existing law (R.S. 40:966(C)(2)), shall be considered a "technical violation" of probation.

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

Prior law (C.Cr.P. Art. 901(A)) provided for the permissive revocation of probation when a defendant who was on probation for a felony committed or was convicted of a felony under La. law, or under the laws of another state, the U.S., or the District of Columbia, or was convicted of a misdemeanor under the provisions of existing law (Title 14 of the La. R.S. of 1950 or Part X of Ch. 4 of Title 40 of the La. R.S. of 1950).

New law amends prior 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.

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

New law provides that the provisions of existing 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.

New law provides that a defendant who is eligible for revocation of probation pursuant to existing 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.

Effective August 1, 2025.

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