

Regular Session, 2011

HOUSE BILL NO. 217

BY REPRESENTATIVE BARRAS

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

PROBATION: Provides relative to technical violations of probation

1 AN ACT

2 To enact Code of Criminal Procedure Article 900(A)(6)(c)(vi), relative to probation; to
3 provide relative to violations of probation; to amend definition of "technical
4 violation"; to include failure to report to probation officer as a technical violation of
5 probation; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 900(A)(6)(c)(vi) is hereby enacted
8 to read as follows:

9 Art. 900. Violation hearing; sanctions

10 A. After an arrest pursuant to Article 899, the court shall cause a defendant
11 who continues to be held in custody to be brought before it within thirty days for a
12 hearing. If a summons is issued pursuant to Article 899, or if the defendant has been
13 admitted to bail, the court shall set the matter for a violation hearing within a
14 reasonable time. The hearing may be informal or summary. If the court decides that
15 the defendant has violated, or was about to violate, a condition of his probation it
16 may:

17 * * *

18 (6)

19 * * *

1 (c) A "technical violation", as used in this Paragraph, means any violation
 2 except it shall not include any of the following:
 3 * * *
 4 (vi) At the discretion of the court, failing to report to the probation officer
 5 for more than one hundred twenty consecutive days.

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)]

Barras HB No. 217

Abstract: Amends provisions relative to technical violations of probation to include failing to report to the probation officer for more than 120 consecutive days.

Present law provides that any defendant who has been placed on probation by the court for the conviction of an offense other than a crime of violence or a sex offense, and who has had his probation revoked for his first technical violation of his probation as determined by the court, shall be required to serve a sentence of not more than 90 days without diminution of sentence or credit for time served prior to the revocation for a technical violation.

Present law defines "technical violation".

Proposed law retains present law and adds to the definition of "technical violation" the failure to report to the probation officer for 120 consecutive days.

(Adds C.Cr.P. Art. 900(A)(6)(c)(vi))