
DIGEST

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Lopinto

HB No. 327

Abstract: Provides for a contradictory hearing on the discharge of conditions of probation and on the termination of a defendant's suspended sentence or probation and authorizes the state to waive such hearings.

Present law (C.Cr.P. Art. 896) authorizes the court to modify, change, or discharge the conditions of a defendant's probation, or to add further conditions.

Present law (C.Cr.P. Art. 897) authorizes the court to terminate the defendant's probation or suspended sentence at any time in misdemeanor cases and after one year of probation in felony cases.

Proposed law retains present law but provides as follows:

- (1) The court may only discharge conditions of probation after a contradictory hearing which may be waived by the state.
- (2) The court may only terminate the defendant's probation or suspended sentence and discharge the defendant after a contradictory hearing which may be waived the state.

(Amends C.Cr.P. Art. 896 and 897)