

Regular Session, 2014

HOUSE BILL NO. 683

BY REPRESENTATIVES TERRY LANDRY AND KATRINA JACKSON

COURTS: Amends eligibility requirements for participation in drug courts and provides relative to annual evaluations of drug courts

1 AN ACT

2 To amend and reenact R.S. 13:5304(B)(10) and (K), relative to district courts' drug division
3 probation programs; to expand eligibility for participation in the drug division
4 probation program to defendants with certain prior felony convictions; to require that
5 drug division program evaluations shall include information on recidivism reduction
6 and outcome data on participants; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:5304(B)(10) and (K) are hereby amended and reenacted to read
9 as follows:

10 §5304. The drug division probation program

11 * * *

12 B. Participation in probation programs shall be subject to the following
13 provisions:

14 * * *

15 (10) In order to be eligible for the drug division probation program, the
16 defendant must satisfy each of the following criteria:

17 (a) The defendant cannot have any prior felony ~~convictions~~ conviction for
18 any ~~offenses~~ offense defined as crimes of violence in R.S. 14:2(B) as a homicide in
19 R.S. 14:29.

1 (b) The crime before the court cannot be a crime of violence as defined in
2 R.S. 14:2(B); ~~including domestic violence~~ or an offense of domestic abuse battery
3 which is punishable by imprisonment at hard labor as provided in R.S. 14:35.3.

4 (c) Other criminal proceedings alleging commission of a crime of violence
5 as defined in R.S. 14:2(B) cannot be pending against the defendant.

6 ~~(d) Repealed by Acts 2013, No. 389, §5.~~

7 ~~(e)~~(d) The crime before the court cannot be a charge of driving under the
8 influence of alcohol or any other drug or drugs that resulted in the death of a person.

9 ~~(f) Repealed by Acts 2013, No. 389, §5.~~

10 * * *

11 K. Each drug division shall develop a method of evaluation so that its
12 effectiveness can be measured. These evaluations shall be compiled annually and
13 transmitted to the judicial administrator of the Supreme Court of Louisiana and shall
14 include information on recidivism reduction and outcome data on the participants in
15 the program.

16 * * *

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)]

Terry Landry HB No. 683

Abstract: Provides for eligibility criteria related to district courts' drug division probation programs and their annual reporting requirements.

Present law authorizes each district court to create a drug division probation program and further provides for participation, eligibility, notification, and reporting requirements.

Proposed law retains present law.

Present law prohibits the following defendants from participating in the drug division probation program:

- (1) A defendant who has prior felony convictions for any offenses defined as crimes of violence pursuant to present law (R.S. 14:2(B)).
- (2) A defendant whose current charge is for a crime of violence as defined by present law or an offense that involves domestic violence.

Present law defines homicide as the killing of a human being by the act, procurement, or culpable omission of another and includes first degree murder, second degree murder, manslaughter, negligent homicide, and vehicular homicide.

Proposed law amends present law to provide for the following:

- (1) A defendant who has a prior felony conviction for any offense defined as a crime of violence pursuant to present law, except for any homicide offense as defined by present law, shall be eligible to participate in a drug division probation program.
- (2) A defendant whose current charge before the court is a crime of violence as defined by present law or a felony offense of domestic abuse battery as defined by present law shall not be eligible to participate in a drug division probation program.

Present law requires each drug division to develop a method of evaluation to be compiled annually and transmitted to the judicial administrator of the Louisiana Supreme Court.

Proposed law retains present law and further requires that the evaluations shall include information on recidivism reduction and outcome data on the participants in the program.

(Amends R.S. 13:5304(B)(10) and (K))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Changed the lead author.

House Floor Amendments to the engrossed bill.

1. Amended proposed law to provide that a defendant with a former conviction for a crime of violence, except for any homicide offense, is eligible to participate in a drug division probation program.
2. Amended proposed law to provide that a person whose current charge before the court is a felony offense of domestic abuse battery shall not be eligible to participate in a drug division probation program.
3. Made technical corrections.