

2016 Regular Session

HOUSE BILL NO. 172

BY REPRESENTATIVE JEFFERSON

PARDON/PAROLE: Provides with respect to credit for time served pending a technical parole violation

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 900(A)(6)(b), relative to
3 technical parole violations; to provide for earning of credit for time served prior to
4 revocation; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Article 900(A)(6)(b) is hereby amended and
7 reenacted to read as follows:

8 Art. 900. Violation hearing; sanctions

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

16 * * *

17 (6)

18 * * *

19 (b) Notwithstanding the provisions of Subparagraph (A)(5) of this Article,
20 any defendant who has been placed on probation by the court for the conviction of

1 an offense other than a crime of violence as defined in R.S. 14:2(B) or of a sex
 2 offense as defined in R.S. 15:541(24), and who has had his probation revoked under
 3 the provisions of this Article for his first technical violation of his probation as
 4 determined by the court, shall be required to serve a sentence of not more than ninety
 5 days without diminution of sentence ~~or credit for time served prior to the revocation~~
 6 ~~for a technical violation.~~ The defendant shall be given credit for time served prior
 7 to the revocation hearing for time served in actual custody while being held for a
 8 technical violation in a local detention facility, state institution, or out-of-state
 9 institution pursuant to Code of Criminal Procedure Article 880. The term of the
 10 revocation for a technical violation shall begin on the date the court orders the
 11 revocation. Upon completion of the imposed sentence for the technical revocation,
 12 the defendant shall return to active and supervised probation for a period equal to the
 13 remainder of the original period of probation subject to any additional conditions
 14 imposed by the court. The provisions of this Paragraph shall apply only to the
 15 defendant's first revocation for a technical violation.

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)]

HB 172 Original 2016 Regular Session Jefferson

Abstract: Provides for earning credit for time served prior to a technical parole violation.

Present law provides for technical parole violations and provides 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.

Proposed law changes present law to provide that the defendant shall be given credit for time served prior to the revocation hearing for time served in actual custody while being held for a technical violation in a local detention facility, state institution, or out-of-state institution.

(Amends C.Cr.P. Art. 900(A)(6)(b))