

2016 Regular Session

HOUSE BILL NO. 180

BY REPRESENTATIVE JEFFERSON

CRIMINAL/SENTENCING: Provides with respect to probation violations

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 901(C), relative to probation; to
3 provide relative to the revocation of probation for the commission of another
4 offense; to provide for credit for time served prior to the revocation hearing; to
5 provide that certain sentences be served concurrently; to provide exceptions; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 901(C) is hereby amended and
9 reenacted to read as follows:

10 Art. 901. Revocation for commission of another offense

11 * * *

12 C. In cases of revocation provided for in this Article:

13 (1) ~~No credit shall be allowed for time spent on probation or for the time~~
14 ~~elapsed during suspension of the sentence; and~~ The defendant shall be given credit
15 for time served prior to the revocation hearing for time served in actual custody
16 while being held for a probation violation in a local detention facility, state
17 institution, or out-of-state institution pursuant to Article 880 of this Code.

18 (2) When the new conviction is a Louisiana conviction, the sentence shall
19 run ~~consecutively~~ concurrently with the sentence for the new conviction, unless the

1 court originally imposing the suspension or probation specifically orders that ~~said~~ the
2 sentences are to be served ~~concurrently~~ consecutively, in which case the court
3 minutes shall reflect the date from which the sentences are to run ~~concurrently~~
4 consecutively.

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 180 Original

2016 Regular Session

Jefferson

Abstract: Provides for credit for time served pending a probation revocation hearing and provides that subsequent sentences be served concurrently for those on probation.

Present law provides that offenders may be placed on probation and provides for revocation hearings for violations of probation due to the commission of a second offense.

Present law provides that no credit shall be allowed for time spent on probation or for the time elapsed during suspension of the sentence.

Proposed law provides 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 probation violation in a local detention facility, state institution, or out-of-state institution.

Present law provides that when the new conviction is a Louisiana conviction, the sentence shall run consecutively with the sentence for the new conviction, unless the court originally imposing the suspension or probation specifically orders that the sentences are to be served concurrently, in which case the court minutes shall reflect the date from which the sentences are to run concurrently.

Proposed law changes present law to provide that the presumption is that the sentence runs concurrently unless specified by the court to run consecutively.

(Amends C.Cr.P. Art 901(C))