
HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Substitute for Original House Bill No. 408 by Representative Hazel as proposed by the House Committee on Judiciary

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 13:5366(B)(9) and (10), relative to the Veterans Court program; to provide relative to eligibility for the program; to provide for additional requirements and restrictions for certain eligible participants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5366(B)(9) and (10) are hereby amended and reenacted to read as follows:

§5366. The Veterans Court program

* * *

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

* * *

(9) In order to be eligible for the Veterans Court program, the defendant must satisfy each of the following criteria:

(a) The defendant cannot have ~~any a~~ prior felony ~~convictions~~ conviction for ~~any offenses~~ an offense defined as ~~crimes of violence in R.S. 14:2(B)~~ a homicide in R.S. 14:29 or as a sex offense in R.S. 15:541(24), or any pending criminal proceeding alleging commission of an offense defined as a homicide in R.S. 14:29 or as a sex offense in R.S. 15:541(24).

(b) ~~The crime before the court cannot be a crime of violence as defined in R.S. 14:2(B).~~

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

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

(c) If the crime before the court is domestic abuse battery as defined in R.S. 14:35.3 or domestic abuse aggravated assault as defined in R.S. 14:37.7, the defendant shall comply with the following additional requirements as conditions of eligibility in the Veterans Court program:

(i) Completion of a court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.

(ii) No ownership or possession of a firearm while under the supervision of the Veterans Court program or court-ordered probation.

~~(10) A defendant previously convicted or adjudicated a delinquent for the offense of simple battery shall not be deemed ineligible for the Veterans Court program on the sole basis of such status.~~ Notwithstanding any provision of law to the contrary, the defendant may be considered for participation in the Veterans Court program even if the defendant is not otherwise eligible for probation due to the defendant's criminal history.

* * *

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 Draft

2016 Regular Session

Abstract: Expands the scope of defendants who are eligible to participate in the Veterans Court program.

Present law excludes from participation in the Veterans Court program:

- (1) Defendants with a prior felony conviction for a crime of violence as defined in present law.
- (2) Defendants who have a pending charge before the court for a crime of violence.
- (3) Defendants with other pending proceedings alleging commission of a crime of violence.
- (4) Defendants who have a pending charge of driving under the influence of alcohol or drugs that resulted in the death of a person.

Proposed law expands the scope of those defendants eligible to participate in the program by prohibiting only those defendants with a conviction of a homicide or sex offense, as well as defendants with a pending criminal charge of a homicide or sex offense. Retains the present law prohibition for defendants with a pending charge of driving under the influence of alcohol or drugs that results in the death of a person. Provides that a defendant may be considered for participation in the Veterans Court program even if the defendant is not otherwise eligible for probation due to the defendant's criminal history.

Proposed law provides that if the crime before the court is domestic abuse battery or domestic abuse aggravated assault, the defendant shall comply with the following additional requirements as conditions of eligibility in the Veterans Court program:

- (1) Completion of a court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.
- (2) No ownership or possession of a firearm while under the supervision of the Veterans Court program or court-ordered probation.

(Amends R.S. 13:5366(B)(9) and (10))