
SENATE COMMITTEE AMENDMENTS

2018 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 389
by Senator Claitor

1 AMENDMENT NO. 1

2 On page 1, line 5, after "900(A)(5)" insert "and (6)(b)(iv) and (d)(v)"

3 AMENDMENT NO. 2

4 On page 1, line 6, after "Art." delete "893(H)" and insert "875.1(G), 893(H), and
5 900(A)(6)(b)(v) and (d)(vi)"

6 AMENDMENT NO. 3

7 On page 1, line 15, after "900(A)(5)" insert "and (6)(b)(iv) and (d)(v)"

8 AMENDMENT NO. 4

9 On page 1, line 16, after "Art." delete "893(H) is" and insert "875.1(G), 893(H), and
10 900(A)(6)(b)(v) and (d)(vi) are"

11 AMENDMENT NO. 5

12 On page 2, at the end of line 3 after "Article," insert "**and upon motion of the defendant**
13 **that establishes a prima facie case of substantial financial hardship to the defendant.**"

14 AMENDMENT NO. 6

15 On page 2, delete line 4 and insert "the court shall **conduct a hearing to** determine"

16 AMENDMENT NO. 7

17 On page 2, at the end of line 9, change "**underemployed**" to "**employed**"

18 AMENDMENT NO. 8

19 On page 2, line 24, after "restitution," delete the remainder of the line and insert "half of the"

20 AMENDMENT NO. 9

21 On page 3, delete line 27 and insert the following:

22 **"F. If, at the termination or end of the defendant's term of supervision,**
23 **any restitution ordered by the court remains outstanding, the balance of the**
24 **unpaid restitution shall be reduced to a civil money judgment in favor of the**
25 **person to whom restitution is owed, which may be enforced in the same manner**
26 **as provided for the execution of judgments pursuant to the Code of Civil**
27 **Procedure. For any civil money judgment ordered under this Article, the clerk**
28 **shall send notice of the judgment to the last known address of the person to**
29 **whom the restitution is ordered to be paid.**

30 **G.** The provisions of this Article shall apply only to defendants convicted of
31 offenses classified as felonies under applicable law."

32 AMENDMENT NO. 10

33 On page 4, line 7, after "more than" delete the remainder of the line and insert "three years,
34 **except as provided by Subsection (H) of this Section.**"

1 AMENDMENT NO. 11

2 On page 4, line 11, after "five-year" insert "or three-year"

3 AMENDMENT NO. 12

4 On page 4, line 16, after "more than" delete "five" and insert "three"

5 AMENDMENT NO. 13

6 On page 4, at the end of line 29, after "exceed the" insert "three-"

7 AMENDMENT NO. 14

8 On page 5, at the beginning of line 1, delete "five-year" and insert "year"

9 AMENDMENT NO. 15

10 On page 5, delete lines 4 through 29 and insert the following:

11 "H.(1) If any defendant is placed on supervised probation, the
12 supervising probation officer shall submit to the court a compliance report
13 whenever requested by the court, or when it appears necessary to have the court
14 make a determination with respect to "earned compliance credits,"
15 modification of any terms or conditions of probation, termination of probation,
16 revocation of probation, or any other purpose proper under the law.

17 (2) Absent extenuating circumstances, the court shall, within ten days of
18 receipt of the compliance report, make an initial determination as to the issues
19 presented and shall transmit the decision to the probation officer. The
20 probation officer shall disseminate the decision to the defendant and the
21 prosecuting agency within ten days of receipt. The parties shall have ten days
22 from receipt of the initial determination of the court to seek an expedited
23 contradictory hearing for the purpose of challenging the court's initial
24 determination. If no timely challenge is made, the court's initial determination
25 shall become final and shall constitute a valid order of the court.

26 (3) After a review of the compliance report, if it is the recommendation
27 of the supervising probation officer that the defendant is in compliance with the
28 conditions of probation in accordance with the compliance report, the court
29 shall grant "earned compliance credit" for the time, absent a showing of cause
30 for a denial.

31 (4) The court may terminate probation at any time as "satisfactorily
32 completed" upon the final determination that the defendant is in compliance
33 with the terms and conditions of probation.

34 (5) If the court determines that the defendant has failed to successfully
35 complete the terms and conditions of probation, the court may extend the
36 probation period for a period not to exceed two years, for the purpose of
37 allowing the defendant additional time to complete the terms of probation.

38 (6) For purposes of this Subsection:

39 (a) "Compliance" means the full completion of the terms and conditions
40 of probation as imposed by the sentencing judge.

41 (b) "Compliance report" means a report generated and signed by the
42 probation officer that contains clear and concise information relating to the
43 defendant's performance relative to "earned compliance credits" and may
44 contain a recommendation as to early termination, additional conditions, the
45 extension of probation, or the revocation of probation.

46 * * *

47 AMENDMENT NO. 16

48 On page 6, delete lines 1 through 24

1 AMENDMENT NO. 17

2 On page 6, line 28, change "**entitled**" to "**eligible**"

3 AMENDMENT NO. 18

4 On page 7, after line 27, insert the following:

5 "(6)(a) * * *

6 (b) Notwithstanding the provisions of Subparagraph (A)(5) of this Article,
7 any defendant who has been placed on probation by the court for the conviction of
8 an offense other than a crime of violence as defined in R.S. 14:2(B) or of a sex
9 offense as defined by R.S. 15:541, and who has had his probation revoked under the
10 provisions of this Article for a technical violation of his probation as determined by
11 the court, shall be required to serve, without diminution of sentence, as follows:

12 * * *

13 (iv) **For a fourth or subsequent violation may order that the probation**
14 **be revoked, in accordance with Subparagraph (5)(a) of this Subsection.**

15 (v) **For** custodial substance abuse treatment programs, not more than ninety
16 days.

17 * * *

18 (d) A "technical violation", as used in this Paragraph, means any violation
19 except it shall not include any of the following:

20 * * *

21 (v) Absconding from the jurisdiction of the court ~~by leaving the state without~~
22 ~~the prior approval of the court or the probation and parole officer.~~

23 (vi) **Probation shall neither be revoked nor extended based solely upon**
24 **the defendant's inability to pay fines, costs, or restitution to the victim.**

25 * * *