

Regular Session, 2010

HOUSE BILL NO. 117

BY REPRESENTATIVE WOOTON

PAROLE: Amends the definition of "technical violation"

1 AN ACT

2 To repeal R.S. 15:574.9(G)(2)(ii), relative to parole; to amend the definition of a "technical
3 violation" for purposes of parole revocation.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 15:574.9(G)(2)(ii) is hereby repealed in its entirety.

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)]

Wooton

HB No. 117

Abstract: Repeals reference to drug offenses in the definition of "technical violation" with respect to parole revocation.

Present law provides that any offender who has been released on parole for the conviction of an offense other than a crime of violence or of a sex offense, and whose parole supervision is being revoked for his first technical violation of the conditions of parole as determined by the Board of Parole, shall be required to serve not more than 90 days without diminution of sentence or credit for time served prior to the revocation for a technical violation.

Present law provides that a "technical violation" means any violation except it shall not include being arrested, charged, or convicted of any of the following:

- (1) A felony.
- (2) A violation of any provision of Title 40 of the L.R.S. of 1950.
- (3) Any intentional misdemeanor directly affecting the person.
- (4) At the discretion of the Board of Parole, any attempt to commit any intentional misdemeanor directly affecting the person.

- (5) At the discretion of the Board of Parole, any attempt to commit any other misdemeanor.
- (6) Being in possession of a firearm or other prohibited weapon.
- (7) Failing to appear at any court hearing.
- (8) Absconding from the jurisdiction of the Board of Parole.

Proposed law removes the provision of present law regarding controlled dangerous substances and otherwise retains present law.

Present law provides that all controlled dangerous substance violations are felony offenses except for simple possession of marijuana which is a misdemeanor offense. As a result, items (1) and (2) listed above in present law are duplicative except for simple possession of marijuana.

(Repeals R.S. 15:574.9(G)(2)(ii))