

Regular Session, 2010  
HOUSE BILL NO. 130  
BY REPRESENTATIVE WHITE

# ACT No. 352

(On Recommendation of the Louisiana State Law Institute)

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AN ACT

To amend and reenact Code of Criminal Procedure Articles 899(E) and 900(A)(introductory paragraph), relative to procedures following the arrest or summons for a violation of probation; to increase the time period in which a defendant shall be brought before the court for a hearing on a probation violation; to provide for the use of affidavits in determining probable cause; to provide for time limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 899(E) and 900(A)(introductory paragraph) are hereby amended and reenacted to read as follows:

Art. 899. Arrest or summons for violation of probation

\* \* \*

~~E. An offender arrested under this article shall be given a prerevocation hearing within a reasonable time after his arrest to determine if there is probable cause to detain him pending a final violation hearing.~~ Within ten days following the arrest of an offender pursuant to the provisions of this Article, the court shall determine if there is probable cause to detain him pending a final violation hearing and shall consider whether to allow the offender bail pending the final hearing. The determination of probable cause may be made without a formal hearing and may be conducted through the use of affidavits.

\* \* \*

Art. 900. Violation hearing; sanctions

A. ~~After an arrest or service of a summons pursuant to Article 899, the court shall cause the a defendant who continues to be held in custody to be brought before~~

1           it within ~~ten~~ thirty days for a hearing. If a summons is issued pursuant to Article  
2           899, or if the defendant has been admitted to bail, the court shall set the matter for  
3           a violation hearing within a reasonable time. The hearing may be informal or  
4           summary. If the court decides that the defendant has violated, or was about to  
5           violate, a condition of his probation it may:

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_