

Regular Session, 2010

HOUSE BILL NO. 207

BY REPRESENTATIVE BILLIOT

CRIMINAL/PROCEDURE: Requires that notice be given to local law enforcement when an offender is sentenced to home incarceration

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 894.2(E), (F), (G), (H), (I), (J),  
3 and (K) and to enact Code of Criminal Procedure Article 894.2(L), relative to home  
4 incarceration; to require that written notice be given to local law enforcement when  
5 an offender is sentenced to home incarceration; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Article 894.2(E), (F), (G), (H), (I), (J), and  
8 (K) are hereby amended and reenacted and Code of Criminal Procedure Article 894.2(L) is  
9 hereby enacted to read as follows:

10 Art. 894.2. Home incarceration; requirements

11 \* \* \*

12 E. Within thirty days of issuing the order sentencing the defendant to home  
13 incarceration, the court shall send written notice to the local law enforcement agency  
14 where the defendant is sentenced to home incarceration.

15 ~~E.F.~~ The court may require the defendant to obtain employment and may  
16 require the defendant to pay a reasonable supervision fee to the supervising agency  
17 to defray the cost of his home incarceration supervision.

18 ~~F.G.~~ The court may, at any time during the period of home incarceration,  
19 modify, change, or add to the conditions of such incarceration.

1           ~~G.H.~~ The sentence of home incarceration shall be for a period of not more  
2 than four years in felony cases and for a period not to exceed six months in  
3 misdemeanor cases.

4           H.I. If the defendant violates the conditions of home incarceration, the court,  
5 on motion of the state or its own motion, may, after contradictory hearing modify the  
6 sentence to impose a sentence of imprisonment.

7           H.J. In the event of revocation and sentence to imprisonment, the defendant  
8 shall not receive credit for time served under home incarceration.

9           J.K. The provisions of this Article shall not be applicable to a defendant who  
10 has been convicted of any second violation of any state or local driving-while-  
11 intoxicated law committed within five years of the commission of any prior driving-  
12 while-intoxicated violation until the defendant has first served a minimum of forty-  
13 eight consecutive hours of imprisonment.

14           K.L. Paragraphs A and G of this Article shall not apply to a defendant who  
15 has been convicted of any third or subsequent violation of any state law or local  
16 ordinance prohibiting driving while intoxicated committed within five years of the  
17 commission of any prior driving while intoxicated violation. Such defendants shall  
18 be subject to home incarceration as provided for in R.S. 14:98.

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#### 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)]

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Billiot

HB No. 207

**Abstract:** Requires that notice be given to local law enforcement when an offender is sentenced to home incarceration.

Proposed law provides that no later than 30 days from the issuance of the order sentencing an offender to home incarceration, the court shall give written notification to the local law enforcement agency where the offender is sentenced to home incarceration.

(Amends C.Cr.P. Art. 894.2(E), (F), (G), (H), (I), (J), and (K); Adds C.Cr.P. Art. 894.2(L))