

Regular Session, 2014

HOUSE BILL NO. 327

BY REPRESENTATIVE LOPINTO

PROBATION: Provides for a contradictory hearing on the discharge of conditions of probation and on the termination of a defendant's suspended sentence or probation

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 896 and 897, relative to
3 probation; to require a contradictory hearing on the discharge of conditions of
4 probation; to require a contradictory hearing on the termination of a defendant's
5 probation or suspended sentence; to authorize the state to waive such hearings; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Articles 896 and 897 are hereby amended
9 and reenacted to read as follows:

10 Art. 896. Modifying or changing conditions of probation

11 A. The court may, at any time during the probation period, modify, ~~change,~~
12 or ~~discharge~~ change the conditions of probation, or add further conditions authorized
13 by Article 895.

14 B. The court may, at any time during the probation period, discharge the
15 conditions of probation after a contradictory hearing which may be waived by the
16 state in writing.

17 Art. 897. Termination of probation or suspended sentence; discharge of defendant

18 A. In a felony case, after a contradictory hearing which may be waived by
19 the state in writing, the court may terminate the defendant's probation, early or as

1 unsatisfactory, and discharge him at any time after the expiration of one year of
2 probation.

3 B. In a misdemeanor case, after a contradictory hearing which may be
4 waived by the state in writing, the court may terminate the defendant's suspended
5 sentence or probation and discharge him at any time.

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)]

Lopinto

HB No. 327

Abstract: Provides for a contradictory hearing on the discharge of conditions of probation and on the termination of a defendant's suspended sentence or probation and authorizes the state to waive such hearings.

Present law (C.Cr.P. Art. 896) authorizes the court to modify, change, or discharge the conditions of a defendant's probation, or to add further conditions.

Present law (C.Cr.P. Art. 897) authorizes the court to terminate the defendant's probation or suspended sentence at any time in misdemeanor cases and after one year of probation in felony cases.

Proposed law retains present law but provides as follows:

- (1) The court may only discharge conditions of probation after a contradictory hearing which may be waived by the state.
- (2) The court may only terminate the defendant's probation or suspended sentence and discharge the defendant after a contradictory hearing which may be waived the state.

(Amends C.Cr.P. Art. 896 and 897)