

SENATE BILL NO. 398

BY SENATORS MILLS AND MURRAY AND REPRESENTATIVE EDWARDS

1 AN ACT

2 To amend and reenact R.S. 13:5304(B)(10) and (K), relative to drug courts; to provide
3 relative to eligibility for a drug division probation program; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:5304(B)(10) and (K) are hereby amended and reenacted to read
7 as follows:

8 §5304. The drug division probation program

9 * * *

10 B. Participation in probation programs shall be subject to the following
11 provisions:

12 * * *

13 (10) In order to be eligible for the drug division probation program, the
14 defendant must satisfy each of the following criteria:

15 (a) The defendant cannot have any prior felony ~~convictions~~ **conviction** for
16 any ~~offenses~~ **offense** defined as crimes of violence in R.S. 14:2(B) **as a homicide in**
17 **R.S. 14:29.**

18 (b) The crime before the court cannot be a crime of violence as defined in
19 R.S. 14:2(B), ~~including domestic violence~~ **or an offense of domestic abuse battery**
20 **which is punishable by imprisonment at hard labor as provided in R.S. 14:35.3.**

1 (c) Other criminal proceedings alleging commission of a crime of violence
2 as defined in R.S. 14:2(B) cannot be pending against the defendant.

3 ~~(d) Repealed by Acts 2013, No. 389, §5.~~

4 ~~(e)~~**(d)** The crime before the court cannot be a charge of driving under the
5 influence of alcohol or any other drug or drugs that resulted in the death of a person.

6 ~~(f) Repealed by Acts 2013, No. 389, §5.~~

7 * * *

8 K. Each drug division shall develop a method of evaluation so that its
9 effectiveness can be measured. These evaluations shall be compiled annually and
10 transmitted to the judicial administrator of the Supreme Court of Louisiana **and shall**
11 **include information on recidivism reduction on the participants in the program.**

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____