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**HOUSE FLOOR AMENDMENTS**

2016 Regular Session

Amendments proposed by Representative Lopinto to Engrossed House Bill No. 1145 by Representative Lopinto

1 AMENDMENT NO. 1

2 On page 1, delete line 2 in its entirety and insert the following:

3 "To amend and reenact R.S. 13:5304(B)(1)(b), (3)(f), (5), (6), (11)(c), and  
4 (D)(3), (E)(introductory paragraph), (J)(2) and (3), (L)(2) and (N), relative to the  
5 drug division"

6 AMENDMENT NO. 2

7 On page 1, line 5, after "violation";" and before "and" insert "to provide with respect to drug  
8 abuse treatment and addiction treatment;" to provide for designated treatment professionals;"

9 AMENDMENT NO. 3

10 On page 1, delete line 8 in its entirety and insert the following:

11 "Section 1. R.S. 13:5304(B)(1)(b), (3)(f), (5), (6), (11)(c), and (D)(3),  
12 (E)(introductory paragraph), (J)(2) and (3), (L)(2) and (N) are hereby amended and reenacted  
13 to"

14 AMENDMENT NO. 4

15 On page 1, between lines 13 and 14, insert the following:

16 "(1) The district attorney may propose to the court that an individual  
17 defendant be screened for eligibility as a participant in the drug division probation  
18 program if all of the following criteria are satisfied:

19 \* \* \*

20 (b) The district attorney has reason to believe that the individual who is  
21 charged suffers from alcohol or drug abuse or addiction.

22 \* \* \*"

23 AMENDMENT NO. 5

24 On page 2, between lines 14 and 15 insert the following:

25 "(5) The defendant must agree to the drug division probation program. If the  
26 defendant elects to undergo treatment and participate in the drug division probation  
27 program, the court shall order an examination of the defendant by one of the court's  
28 designated licensed treatment ~~programs~~ professionals. Treatment ~~programs~~  
29 professionals shall possess sufficient experience in working with criminal justice  
30 clients with alcohol or drug abuse or addictions, or both, and shall be certified and  
31 approved by the state of Louisiana. The designated treatment ~~program~~ professionals  
32 shall utilize standardized testing and evaluation procedures to determine whether or  
33 not the defendant is an appropriate candidate for a treatment program and shall report  
34 such findings to the court and the district attorney.

(6) The designated treatment program professionals shall examine the defendant, using standardized testing and evaluation procedures, and shall report to the court and the district attorney the results of the examination and evaluation along with its recommendation as to whether or not the individual is a suitable candidate for the drug division probation program. Only those defendants who suffer from alcoholism or a drug abuse or addiction, or both, or who are in danger of becoming dependent on alcohol or drugs and who are likely to be rehabilitated through treatment shall be considered for treatment.

\* \* \*

(11)

\* \* \*

(c) A treatment program professional may petition the court to reject a referral through the drug division probation program if the treatment program administrator professional deems the defendant to be inappropriate for admission to the treatment program. Additionally, a treatment program professional may petition the court for immediate discharge of any individual who fails to comply with treatment program rules and treatment expectations or who refuses to constructively engage in the treatment process.

\* \* \*"

AMENDMENT NO. 6

On page 5, delete line 9 in its entirety and insert the following:

"E. The appropriate alcohol and drug treatment program professional shall report the following changes or conditions to the district attorney at any periodic reporting period specified by the court:

\* \* \*

J. Each judicial district that establishes a drug division shall adopt written policies and guidelines for the implementation of a probation program in accordance with this Chapter. The policies and guidelines shall include provisions concerning the following:

\* \* \*

(2) How to advise the defendant of the program if the court has reason to believe the defendant may suffer from alcohol or drug abuse or addiction.

(3) What licensed treatment programs professionals are certified by the court.

\* \* \*

L.

\* \* \*

(2) The provisions of Paragraph (1) of this Subsection shall not restrict the use of patients' records for the purpose of research into the cause and treatment of alcoholism and drug abuse or addiction, provided that such information shall not be published in a way that discloses the patient's name and identifying information.

\* \* \*

N. A record of the fact that an individual has participated in a drug division probation program shall be ~~sent to the office of the attorney general~~ maintained by the Supreme Court and shall be made available upon request to any district attorney for the purpose of determining if an individual has previously participated in a drug division probation program.

\* \* \*"