

GREEN SHEET REDIGEST

HB 1145

2016 Regular Session

Lopinto

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

Provides sanctions for violations of drug division probation programs.

DIGEST

Present law provides for the establishment of drug division probation courts in certain judicial districts.

Present law provides that defendants sentenced to drug division probation supervision shall be responsible for costs associated with that supervision such as drug testing, treatment programs, or other expenses.

Present law provides that if a defendant does not successfully complete the terms of the drug division probation program, the judge may:

- (1) Revoke the probation and impose a sentence.
- (2) Revoke the probation and order the defendant to serve the sentence previously imposed and suspended.
- (3) Revoke the probation and order the defendant to be committed to the custody of the DPSC and be required to serve a sentence of not more than 6 months without diminution of sentence in the intensive incarceration program pursuant to present law.
- (4) Impose any sanction provided by Code of Criminal Procedure Article 900.
- (5) Extend probation and order that the defendant continue treatment for an additional period.

Proposed law provides that if a defendant does not successfully complete the terms of the drug division probation program, the judge may:

- (1) Revoke the probation and impose a sentence.
- (2) Revoke the probation and order the defendant to serve the sentence previously imposed and suspended.

Present law provides for court designated licensed treatment programs for individuals who suffer from alcoholism or drug addiction and are likely to be rehabilitated through treatment.

Proposed law retains present law, but provides for licensed treatment professionals to facilitate the court's treatment programs for defendants suffering from alcoholism, drug abuse, or drug addiction.

Proposed law provides that if an individual enrolled in a treatment program violates the terms of his probation, the district attorney may move for a hearing to determine if a violation has occurred and if the person should remain in the treatment program.

Present law provides that if, at the conclusion of the hearing, the individual is determined to have violated the terms of probation or does not show a willingness to submit to rehabilitation, the person may be removed from the program or his treatment may be changed.

Proposed law retains present law and allows a person to also be reprimanded or sanctioned in addition to present law penalties for violating terms of probation or failure to show a willingness to submit to rehabilitation.

Present law provides that a defendant who has been admitted to the probation program fails to complete the program and is thereafter sentenced to jail time for the offense shall be entitled to credit for the time served in any correctional facility in connection with the charge before the court.

Proposed law deletes present law.

Present law requires that 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 and made available upon request to any district attorney for the purpose of determining if an individual previously participated in a drug division probation program.

Proposed law removes requirement for record to be sent to the office of the attorney general and provides instead for maintenance of records by the Supreme Court.

(Amends R.S. 13:5304(B)(1)(b), (3)(f), (5), (6), (11)(c), and (D)(3), (E)(intro. para.), (J)(2) and (3), (L)(2), and (N))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Provides that the drug probation program applies to drug abuse or drug addiction.
2. Provides that the list of individuals completing the program shall be maintained by the Louisiana Supreme Court.
3. Changes language from "licensed treatment program" to "licensed treatment professional" with respect to certain duties and responsibilities.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the reengrossed bill

1. Makes technical changes.
2. Deletes proposed law special provisions regarding sanctions for a technical violation of probation.
3. Deletes certain proposed law options for a court that finds that the probationer has violated a condition of probation or a provision of the probation agreement.