RÉSUMÉ DIGEST

ACT 609 (HB 1145)   **2016 Regular Session**   **Lopinto**

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

Existing law authorizes the district attorney to propose to a court that an individual defendant be screened for eligibility to participate in the program if the district attorney has reason to believe that the individual, who is charged with certain specific drug-related offenses, suffers from alcohol or drug addiction.

New law retains this eligibility requirement but expands it to include individuals who suffer from alcohol or drug abuse as well as addiction.

Prior law provided that if a defendant does not successfully complete the terms of the drug division probation program, the judge may do any of the following:

(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 Dept. of Public Safety and Corrections and be required to serve a sentence of not more than six months without diminution of sentence in the intensive incarceration program.

(4)   Impose any sanction provided by existing law relative to violations of probation conditions, extend the defendant's probation, and order that the defendant continue treatment for an additional period.

New law amends prior law to provide that if a defendant does not successfully complete the terms of the drug division probation program, the judge may revoke the probation and either impose a sentence or order the defendant to serve the sentence previously imposed and suspended.

Prior law provided for court-designated licensed treatment programs, with experience in working with criminal justice clients with drug or alcohol addiction, to evaluate for eligibility and provide treatment to a defendant seeking to undergo treatment and participation in a drug division probation program.

New law amends present law to provide that the evaluation and providing of treatment services shall be by a court-designated licensed treatment professional with experience in working with criminal justice clients with drug or alcohol abuse or addictions.

Existing law provides that if an individual enrolled in a treatment program violates the terms of probation, the treatment supervisor, probation officer, or district attorney may move for a hearing to determine the consequences of violating a condition of probation.

New law retains existing law but provides that the hearing will be held to determine whether a violation of the defendant's probation conditions occurred as well as the consequences for any such violation.

Existing law provides that if, at the conclusion of the hearing, the defendant is determined to have violated the terms of probation or does not show a willingness to submit to rehabilitation, the judge may be remove the defendant from the program or change the treatment program to meet the defendant's needs.

New law retains existing law and further authorizes the judge to reprimand or sanction the defendant for violating a term of probation or for failing to show a willingness to submit to rehabilitation.

Prior law provided that a defendant who fails to complete the program and is thereafter sentenced to jail time for the offense is entitled to credit for the time served in any correctional facility in connection with the charge before the court.

New law deletes this provision of prior law.

Prior law provided that records of a defendant's participation in a drug division probation program shall be sent to the office of the attorney general.

New law removes the requirement for records to be sent to the office of the attorney general and instead requires these records to be maintained by the Supreme Court.

Effective August 1, 2016.

(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))