
DIGEST

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HB 1145 Reengrossed

2016 Regular Session

Lopinto

Abstract: Provides for sanctions for a violation of drug division probation, including a 180-day sanction for a "technical violation".

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 violates the terms of the drug division probation, the court may revoke probation and order that the defendant serve the sentence previously imposed or suspended or the court may revoke probation and order the defendant be committed to DPS&C for not more than six months to the intensive incarceration program.

Proposed law provides that if the court finds that the probationer has violated a condition of probation or a provision of the probation agreement, it may:

- (1) Reprimand and warn the defendant.
- (2) Order that the probationer perform community service.
- (3) Order that the probationer enter and participate in short-or-long term treatment.
- (4) Order that supervision be intensified.
- (5) Add additional conditions to the probation.
- (6) Order the probationer be required to serve a sentence of not more than 12 months without diminution of sentence in the DPS&C intensive incarceration program.

Proposed law provides that a court may sentence a defendant to incarceration for up to 180 days or impose sanctions provided by present law and extend probation and treatment for technical violations. Defines "technical violation".

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