

SENATE SUMMARY OF HOUSE AMENDMENTS

**SB 398 By Senator Mills**

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

CONTROL DANGER SUBSTANCE. Provides for eligibility for a drug division probation program. (8/1/14)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Adds provision that a defendant with a prior conviction of an offense defined as a homicide is not eligible for the drug probation program.
2. Adds that a defendant whose crime before the court is an offense of domestic abuse battery punishable by imprisonment at hard labor is not eligible for the drug probation program.
3. Requires that the annual report to the judicial administrator include information on recidivism reduction of program participants.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

Mills (SB 398)

Present law provides relative to drug divisions of district courts. Present law further provides for drug division probation for certain offenders.

Present law provides that in order to be eligible for the drug division probation program, the defendant must satisfy each of the following criteria:

- (1) The defendant cannot have any prior felony convictions for any offenses defined as a crime of violence.
- (2) The crime before the court cannot be a crime of violence.
- (3) Other criminal proceedings alleging commission of a crime of violence cannot be pending against the defendant.

Proposed law removes the prohibition against defendants having a prior felony conviction for any crime of violence and prohibits program eligibility for defendants with prior felony convictions for any offense defined as a homicide.

Proposed law removes the prohibition against a defendant whose crime before the court was a crime of violence, including domestic violence and prohibits program eligibility for defendants whose crime before the court is a crime of violence or an offense of domestic abuse battery which is punishable by imprisonment at hard labor.

Present law requires each drug division to develop a method to evaluate its effectiveness and that these evaluations be compiled annually for transmittal to the judicial administrator of the Supreme Court. Proposed law retains this provision and requires that the evaluation include information on recidivism reduction on program participants.

Effective August 1, 2014.

(Amends R.S. 13:5304(B)(10) and (K))

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