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**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Administration of Criminal Justice to Reengrossed Senate Bill No. 71 by Senator Broome

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1 AMENDMENT NO. 1

2 On page 1, line 7, after "for" delete the remainder of the line and insert "violations and  
3 sanctions; to provide for dismissal from the program; to provide relative to the discharge of  
4 criminal"

5 AMENDMENT NO. 2

6 On page 1, line 15, change "chapter" to "Chapter"

7 AMENDMENT NO. 3

8 On page 2, line 29, after "provider," and before "behavioral" delete "or"

9 AMENDMENT NO. 4

10 On page 3, at the end of line 1, delete the period "." and insert a comma "," and insert "or  
11 case manager."

12 AMENDMENT NO. 5

13 On page 3, delete lines 2 through 6 in their entirety

14 AMENDMENT NO. 6

15 On page 3, at the beginning of line 7, change "(4)" to "(3)"

16 AMENDMENT NO. 7

17 On page 3, line 8, after "defendant has" delete the remainder of the line and insert "pled  
18 guilty or has been convicted"

19 AMENDMENT NO. 8

20 On page 3, delete lines 11 and 12 in their entirety

21 AMENDMENT NO. 9

22 On page 3, at the beginning of line 13, change "(6)" to "(4)"

23 AMENDMENT NO. 10

24 On page 3, delete lines 20 and 21 in their entirety

25 AMENDMENT NO. 11

26 On page 3, line 22, delete "provisions of this Chapter." and insert the following:

27 "Each district court by rule may designate one or more divisions to  
28 preside over a mental health treatment court program to which alcohol or drug  
29 related offenses are assigned, and may establish a program to be administered

1 by the presiding judge or judges thereof or by an employee designated by the  
2 court."

3 AMENDMENT NO. 12

4 On page 3, line 27, change "once" to "if"

5 AMENDMENT NO. 13

6 On page 4, at the beginning of line 1, change "Agreement" to "Consent"

7 AMENDMENT NO. 14

8 On page 4, at the beginning of line 3, change "Agreement" to "Consent"

9 AMENDMENT NO. 15

10 On page 4, line 8, change "past" to "previous"

11 AMENDMENT NO. 16

12 On page 4, line 22, change "past" to "previous"

13 AMENDMENT NO. 17

14 On page 4, between lines 23 and 24 insert the following:

15 "B. When appropriate, the imposition of execution of sentence shall be  
16 postponed while the defendant is enrolled in the treatment program. As long  
17 as the defendant complies with the conditions of his agreement, he shall remain  
18 on probation. At the conclusion of the period of probation, the district attorney,  
19 on advice of the person providing the probationer's treatment and the probation  
20 officer, may recommend that the mental health division take one of the  
21 following courses of action:

22 (1) That the probationer's probation be revoked and the probationer be  
23 sentenced if the probationer has not successfully completed the treatment or has  
24 violated one or more of the conditions of his probation; or, if already sentenced,  
25 that the probation be revoked and the probationer be remanded to the  
26 appropriate custodian for service of that sentence.

27 (2) That the period of probation be extended so that the probationer  
28 may continue the program.

29 (3) That the probationer's conviction be set aside and the prosecution  
30 dismissed if the probationer has successfully completed all the conditions of his  
31 probation and his treatment agreement. The district attorney shall make the  
32 final determination as to whether to request revocation, extension or dismissal."

33 AMENDMENT NO. 18

34 On page 4, at the beginning of line 24, change "B." to "C."

35 AMENDMENT NO. 19

36 On page 4, line 27, after "sentenced" delete the remainder of the line and insert a period " : "

37 AMENDMENT NO. 20

38 On page 4, delete line 28 in its entirety

1 AMENDMENT NO. 21

2 On page 4, at the beginning of line 29, change "C." to "D."

3 AMENDMENT NO. 22

4 On page 5, at the beginning of line 7, change "D.(1)" to "E.(1)"

5 AMENDMENT NO. 23

6 On page 5, at the beginning of line 12, change "E." to "F."

7 AMENDMENT NO. 24

8 On page 6, line 28, delete "(1)"

9 AMENDMENT NO. 25

10 On page 7, delete lines 2 through 13 in their entirety and insert the following:

11 "C.(1) Dismissal from the program. If an individual who has enrolled  
12 in a mental health court program violates any of the conditions of his probation  
13 or his treatment agreement or appears to be performing unsatisfactorily in the  
14 assigned program, or if it appears that the probationer is not benefitting from  
15 education, treatment, or rehabilitation, the treatment supervisor, probation  
16 officer, or the district attorney may move the court to dismiss the individual  
17 from the mental health court program.

18 (2) If the court dismisses the defendant from the mental health court  
19 program, the defendant shall be provided with the specific reasons for his  
20 dismissal from the program."