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**HOUSE FLOOR AMENDMENTS**

Amendments proposed by Representative Lopinto to Engrossed House Bill No. 442 by Representative Lopinto

1 AMENDMENT NO. 1

2 On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S.  
3 13:5304(B)(1)(a) and to"

4 AMENDMENT NO. 2

5 On page 2, line 6, after "program;" and before "and" insert "to provide with respect to  
6 eligibility criteria for participation in the drug division probation program;"

7 AMENDMENT NO. 3

8 On page 3, delete line 19 in its entirety and insert "if the district attorney agrees that the  
9 defendant should be sentenced to a substance abuse probation and the court finds all of the  
10 following:"

11 AMENDMENT NO. 4

12 On page 3, at the beginning of line 24, delete "Whether the" and insert "The"

13 AMENDMENT NO. 5

14 On page 4, delete lines 17 through 23 in their entirety and insert the following:

15 "(4) The defendant shall be required to participate in alcohol and drug  
16 testing at his own expense, unless the court determines that he is indigent. If the  
17 court determines that the defendant is indigent, it may order the defendant to perform  
18 supervised work for the benefit of the community in lieu of paying all or a part of the  
19 costs related to the drug and alcohol testing. The work shall be performed for and  
20 under the supervising authority of a parish, municipality, or other political  
21 subdivision or agency of the state or a charitable organization that renders service to  
22 the community or its residents.

23 C. If the judge fails to make all of the determinations provided for in  
24 Paragraph A of this Article, or if the district attorney does not agree that the  
25 defendant should be sentenced to substance abuse probation, the court shall impose  
26 the appropriate sentence provided by law."

27 AMENDMENT NO. 6

28 On page 9, between lines 7 and 8, insert the following:

29 "Section 3. R.S. 13:5304(B)(1)(a) is hereby amended and reenacted to read as  
30 follows:

31 §5304. The drug division probation program  
32 \* \* \*

1 B. Participation in probation programs shall be subject to the following  
2 provisions:

3 (1) The district attorney may propose to the court that an individual  
4 defendant be screened for eligibility as a participant in the drug division probation  
5 program if all of the following criteria are satisfied:

6 (a) The individual is charged with a violation of a statute of this state relating  
7 to the use and possession of, or possession with intent to distribute any narcotic  
8 drugs, coca leaves, marijuana, stimulants, depressants, or hallucinogenic drugs, or  
9 where there is a significant relationship between the use of alcohol or drugs, or both,  
10 and the crime before the court.

11 \* \* \*

12 Section 4. The provisions of Section 1 of this Act shall become null, void, and have  
13 no effect on August 1, 2016, and thereafter."

14 AMENDMENT NO. 7

15 On page 9, line 8, change "Section 3." to "Section 5."