

2018 Regular Session

HOUSE BILL NO. 440

BY REPRESENTATIVE HODGES

CRIMINAL/SENTENCING: Expands DPS&C's substance abuse probation program to include treatment for mental health issues

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Articles 903(B) and (C) and 903.2(A)(1)
3 and (B)(1), relative to the substance abuse probation program; to provide for
4 counseling and treatment for defendants with substance abuse disorders and mental
5 illness; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Criminal Procedure Articles 903(B) and (C) and 903.2(A)(1) and
8 (B)(1) are hereby amended and reenacted to read as follows:

9 Art. 903. Substance abuse probation program; authorization

10 * * *

11 B. The program shall provide ~~substance abuse~~ counseling and treatment for
12 defendants with substance abuse disorders, or defendants with co-occurring mental
13 illness and substance abuse disorders, who are sentenced to substance abuse
14 probation pursuant to the provisions of Article 903.2.

15 C. The department may enter into cooperative endeavors or contracts
16 with ~~the Louisiana Department of Health~~ local governmental entities, training
17 facilities, and service providers to provide for substance abuse treatment and
18 counseling and mental health treatment for defendants participating in the
19 program.

20 * * *

1 Art. 903.2. Substance abuse probation; sentencing

2 A. Notwithstanding any other provision of law to the contrary, a court shall
3 suspend a sentence and order an eligible defendant to participate in a substance abuse
4 probation program provided by the department pursuant to Article 903 if the district
5 attorney agrees that the defendant should be sentenced to a substance abuse
6 probation and the court finds all of the following:

7 (1) The court has reason to believe that the defendant suffers from an
8 addiction to a controlled dangerous substance or any other mental health disorder.

9 * * *

10 B.(1) The court shall order the department to assign an authorized evaluator
11 to prepare a suitability report. The suitability report shall delineate the nature and
12 degree of the treatment necessary to address the defendant's drug or alcohol
13 dependency or addiction or mental health disorder, the reasonable availability of
14 such treatment, and the defendant's appropriateness for the program. The district
15 attorney and the defendant's attorney shall have an opportunity to provide relevant
16 information to the evaluator to be included in the report.

17 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 440 Engrossed

2018 Regular Session

Hodges

Abstract: Expands the substance abuse probation program to include treatment and counseling for defendants with substance abuse disorders, or defendants with co-occurring mental illness and substance abuse disorders.

Present law provides for a substance abuse probation program in which the Dept. of Public Safety and Corrections may enter into cooperative endeavors with the La. Dept. of Health to provide substance abuse treatment and counseling for eligible defendants.

Proposed law expands this program to provide counseling and treatment for defendants with substance abuse disorders, or defendants with co-occurring mental illness and substance abuse disorders, who are sentenced to substance abuse probation pursuant to present law.

Proposed law amends present law to authorize the Dept. of Public Safety and Corrections to enter into cooperative endeavors or contracts with local governmental entities, instead of

the La. Department of Health, to provide for substance abuse treatment and counseling and mental health treatment for defendants participating in the program.

(Amends C.Cr.P. Arts. 903(B) and (C) and 903.2(A)(1) and (B)(1))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provide that the substance abuse program shall provide counseling and treatment for defendants with substance abuse disorders, or defendants with co-occurring mental illness and substance abuse disorders, who are sentenced to substance abuse probation.
2. Authorize the Dept. of Public Safety and Corrections to enter into cooperative endeavors or contracts with local governmental entities, instead of the La. Department of Health, to provide for substance abuse treatment and counseling and mental health treatment for defendants participating in the program.
3. Changes references from "mental health condition" to "mental health disorder".