

HB 1379 -- Rehabilitation Programs

Sponsor: Johnson (47)

This bill allows courts to grant probation to any person convicted of drug possession or an offense involving the use of drugs or alcohol. The court must order completion of an appropriate community-based substance abuse treatment program in these cases. The court may also grant probation in cases where the person is diagnosed with a serious mental illness and that illness was a contributing factor to the commission of the crime. However, a person is not eligible for probation after a drug conviction if he or she:

- (1) Has been convicted of a dangerous felony;
- (2) Has been convicted as a persistent offender;
- (3) Has previously failed to complete substance abuse treatment on two different occasions; or
- (4) Refuses treatment as a condition of probation.

The bill allows the Board of Probation and Parole to revoke probation when the treatment provider notifies the board that the offender is unamenable to the treatment provided. In addition, the board may grant parole to any drug offender or any mentally ill offender convicted of a nonviolent offense when the offender:

- (1) Is within one year of release;
- (2) Has completed at least 120 days of incarceration; and
- (3) Is willing to participate in a treatment program.

Offenders in treatment programs will be assessed a fee of \$25 per month as a condition of probation or parole and cannot be released from supervision until the fees are paid. However, the board may waive the fees under certain conditions. The money collected from these fees will be deposited in the Rehabilitation Fund, created by the bill, and will be used to pay for the treatment programs. The Department of Mental Health must file an annual report describing the financial impact and effectiveness of the program.