

E2SSB 5536 - H AMD TO H AMD (H-1919.1/23) **679**

By Representative Maycumber

NOT ADOPTED 04/12/2023

1 On page 15, beginning on line 19 of the striking amendment, after
2 "defendant" strike all material through "services" on line 22 and
3 insert "is complying with the essential requirements of the treatment
4 and services, including, but not limited to, the following:

- 5 (i) Attendance;
- 6 (ii) Abstention from the use or possession and use of controlled
7 substances, counterfeit substances, and legend drugs;
- 8 (iii) Active participation in treatment and services; and
- 9 (iv) No subsequent arrests for criminal behavior"

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11 On page 19, beginning on line 1 of the striking amendment, after
12 "individual" strike all material through "services" on line 4 and
13 insert "is complying with the essential requirements of the treatment
14 and services, including, but not limited to, the following:

- 15 (i) Attendance;
- 16 (ii) Abstention from use or possession and use of controlled
17 substances, counterfeit substances, and legend drugs;
- 18 (iii) Active participation in treatment and services; and
- 19 (iv) No subsequent arrests for criminal behavior"

EFFECT: Provides that "substantial compliance" in the provisions related to pretrial diversions and sentencing requirements for applicable drug offenses means a person complying with the essential requirements of treatment and services, including four specific requirements (attendance; abstention from controlled substances, counterfeit substances, and legend drugs; active participation in treatment and services; and no subsequent arrests for criminal behavior), rather than a person actively engaging with or making himself or herself available to treatment and services.

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