5536-S2.E AMH MAYC PATT 186

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

By Representative Maycumber

**NOT ADOPTED 04/12/2023**

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

 (i) Attendance;

 (ii) Abstention from the use or possession and use of controlled substances, counterfeit substances, and legend drugs;

 (iii) Active participation in treatment and services; and

 (iv) No subsequent arrests for criminal behavior"

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

 (i) Attendance;

 (ii) Abstention from use or possession and use of controlled substances, counterfeit substances, and legend drugs;

 (iii) Active participation in treatment and services; and

 (iv) No subsequent arrests for criminal behavior"

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|  |  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. |

**--- END ---**