Summary of Senate Proposal of Amendment to H.270

Sec. 1. Original House language

- Does not appear in amendment. Simply codifies existing definitions of "clinical assessment," "needs screening," and "risk assessment" as those terms are used for purposes of screening pretrial defendants.

- The terms were adopted in session law last year in Act 195 (the pretrial services bill.)

Sec. 2. Pretrial risk assessment and needs screenings

- Strikes language enacted last year in 195 that requires a defendant to communicate with his or her pretrial monitor regarding the person's compliance with conditions of release.

- Concerns were raised that this language could be interpreted to force a defendant to admit to conduct that could form the basis of a new criminal charge, a violation of conditions of release and the State cannot compel a person to make self-incriminating statements.

- We have been assured that striking these provisions does not do harm to the program and would further help protect the rights of defendants who choose to participate.

Sec. 3. Service of a citation to appear in court

- When a person enters a precharge program at the invitation of the State's Attorney, the original citation given to the person by law enforcement is usually rescinded.

- If the person fails the precharge program, the person must be recited for a new court date.

- This amendment allows the State's Attorney to issue a new citation at the time the defendant accepts the program contract.

- The new citation is contingent on the person's performance in the program and is dismissed if the person successfully completes.

- The amendment also allows a pretrial monitor to serve the person with the citation on behalf of the State's Attorney.

Sec. 4. Effective date – changed to upon passage