

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Intensive Probation Act

Summary

This Act would require all drug offenders who otherwise would have received a sentence to participate in a probation program, and participate in an intensive probation program, and would offer judges the option of placing other specified types of offenders who would otherwise be sentenced to participate in a probation program, in an intensive probation program.

The Act would establish requirements for participation in an intensive probation program and stipulate the conditions for expulsion from the program. Participants who are expelled from the program would be required to serve out their term of incarceration.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Title.} This Act may be cited as the Intensive Probation Act.

Section 2. {Definitions.} As used in this Act:

- (A) "Approved drug rehabilitation program" means (as defined by state).
- (B) "Drug test" means (as defined by state).

Section 3. {Qualifications of participants.} Persons who meet the following qualifications shall be placed in an intensive probation program in addition to any other sentence imposed by the court:

- (A) convicted violators of [cite state controlled substance law], who receive a probation sentence;
- (B) convicted violators of the following state laws, for whom the sentencing judge is granted discretionary authority to issue a probation sentence;

Section 4. {Terms of intensive probation.}

(A) Persons enrolled in an intensive probation program will be required to:

- (1) maintain employment or full-time student status at an approved school, and make progress deemed satisfactory to the probation officer, or be involved in supervised job searches and community service work at least six days per week throughout the term of intensive probation;
 - (2) pay restitution and probation fees of not less than \$50 per month. Probation fees shall be deposited in the probation services fund;
 - (3) establish a place of residence at a place approved by the probation officer, and not change residence without the officer's approval;
 - (4) remain at the place of residence at all times except to go to work, to attend school, to perform community service, and as specifically allowed in each instance by the probation officer;
 - (5) allow administration of drug and alcohol tests as requested by the probation officer;
 - (6) perform not less than 15 hours of community service each month, except that full-time students may be exempted or required by the probation officer to perform fewer hours of community service;
 - (7) enroll, or make a satisfactory effort to seek enrollment, in an approved drug rehabilitation program;
 - (8) meet any other conditions that the court deems necessary to meet the needs of the offender or limit the risks to the community.
- (B) Drug tests shall be administered not less than once per month.

Section 5. {Expulsion from intensive probation program.}

(A) Any of the following shall be considered reason for revocation of intensive probation:

- (1) refusal at any time to undergo urine testing for drug usage as provided in Section 4 (A)(5);
- (2) failure to successfully complete the required drug rehabilitation program;
- (3) violation of any term or condition of the probation authorized by this Act or of any term or condition of the applicable drug rehabilitation program;
- (4) conviction of an additional offense, other than a minor traffic offense, during the term of intensive probation.

(B) Persons whose intensive probation is revoked shall be required to serve out their term of incarceration.

(C) An action for violation under this Section may be brought by a probation officer or prosecutor.

Section 6. {Severability clause.}

Section 7. {Repealer clause.}

Section 8. {Effective date.}

ALEC's Sourcebook of American State Legislation 1995

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