

**ESB 5476** - H AMD TO APP COMM AMD (H-1622.1/21) **756**

By Representative Klippert

1 On page 15, line 21 of the striking amendment, after "prosecutor"  
2 strike "shall" and insert "is encouraged to"

3  
4 On page 15, at the beginning of line 25 of the striking amendment,  
5 strike "is encouraged to" and insert "may"

6  
7 On page 15, line 36 of the striking amendment, after "prosecutor"  
8 strike "shall" and insert "is encouraged to"

9  
10 On page 16, beginning on line 1 of the striking amendment, after  
11 "prosecutor" strike "is encouraged to" and insert "may"

12  
13 On page 18, line 16 of the striking amendment, after "prosecutor"  
14 strike "shall" and insert "is encouraged to"

15  
16 On page 18, at the beginning of line 20 of the striking amendment,  
17 strike "is encouraged to" and insert "may"

18  
19 On page 19, line 30 of the striking amendment, after "prosecutor"  
20 strike "shall" and insert "is encouraged to"

21  
22 On page 19, at the beginning of line 34 of the striking amendment,  
23 strike "is encouraged to" and insert "may"

**EFFECT:** Provides that for a first or second offense of possession of a controlled substance, possession of a counterfeit substance, or possession of a legend drug, the prosecutor is encouraged, rather than required, to divert the case for treatment. Provides that for a third or subsequent offense, the prosecutor has

discretion to divert the case for treatment, rather than being encouraged to divert the case for treatment.

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