

OFFENDER REHABILITATION ACT 2014

EXPLANATORY NOTES

COMMENTARY

Drugs and offenders released during custodial sentence

Section 11: Drug testing

93. [Section 11](#) amends section 64 of the Criminal Justice and Court Services Act 2000, which makes provision for the Secretary of State to impose a drug testing requirement on offenders aged 18 or over released from prison on licence.
94. Subsection (2) of section 11 removes the condition that an offender must have committed a specified trigger offence in order to have a drug testing requirement imposed as part of a licence. It substitutes a two-limbed test such that a requirement can only be imposed if the Secretary of State is satisfied that:
- The misuse of a specified Class A or B drug by the offender caused or contributed to a past offence or is likely to cause or contribute to further offending; and
 - The offender is dependent on, or has a propensity to misuse, a specified Class A or Class B drug.
95. Subsections (2) and (3) of section 11 expand the categories of drugs that an offender can be tested for from Class A to Class A and Class B drugs.