

DRUG COURTS AND DRUG BOARD PILOT PROJECT

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: John E. Swallow

AN ACT RELATING TO DRUG COURTS AND THE DRUG BOARD PILOT PROJECT; DEFINING A DRUG COURT AND DRUG BOARD; PROVIDING DRUG COURT AND DRUG BOARD PARTICIPANT SCREENING CRITERIA; AND PROVIDING REPORTING REQUIREMENTS.

This act enacts uncodified material.

Be it enacted by the Legislature of the state of Utah:

Section 1. Creation and expansion of existing drug court programs -- Definition of drug court program -- Criteria for participation in drug court programs -- Reporting requirements.

(1) There may be created a drug court program in any judicial district that demonstrates:

(a) the need for a drug court program; and

(b) the existence of a collaborative strategy between the court, prosecutors, defense counsel, corrections, and substance abuse treatment services to reduce substance abuse by offenders.

(2) The collaborative strategy in each drug court program shall:

(a) include monitoring and evaluation components to measure program effectiveness; and

(b) be submitted to, for the purpose of coordinating the disbursement of funding, the:

(i) executive director of the Department of Human Services;

(ii) executive director of the Department of Corrections; and

(iii) State Court Administrator.

(3) A drug court program includes continuous judicial supervision using a cooperative approach with prosecutors, defense counsel, corrections, and substance abuse treatment services to promote public safety, protect participants' due process rights, and integrate substance abuse treatment with justice system case processing.

(4) Screening criteria for participation in a drug court program include:

(a) a plea to, conviction of, or adjudication for a nonviolent drug offense or drug-related offense;

(b) an agreement to frequent alcohol and other drug testing;

(c) participation in one or more substance abuse treatment programs; and

(d) an agreement to submit to sanctions for noncompliance with drug court program requirements.

(5) The Administrative Office of the Courts shall submit a written report to the Law Enforcement and Criminal Justice Interim Committee and the Judiciary Interim Committee during the November 2000 and May 2001 meetings, and annually thereafter, that includes:

(a) the detailed progress of the establishment and implementation of drug court programs;

(b) the tracking and recording of each drug court participant's progress in each judicial district to determine the effectiveness of the drug court programs; and

(c) an account of the expenditure of funds for drug court programs.

Section 2. Creation of Drug Board Pilot Project -- Definition of Drug Board Pilot Project -- Criteria for parolee participation in the Drug Board Pilot Project -- Reporting requirements.

(1) There may be created a Drug Board Pilot Project in Davis and Weber counties that includes intensive substance abuse treatment, frequent drug testing, and other additional conditions of parole, with the expectation that the offender will be required to complete the substance abuse treatment, remain drug free, and meet all other conditions of parole.

(2) Screening criteria for parolee participation in the Drug Board Pilot Project shall:

(a) be determined by the Board of Pardons and Parole and the Department of Corrections; and

(b) include parolees who are facing an eminent return to prison due to substance abuse.

(3) The Board of Pardons and Parole shall submit a written report to the Law Enforcement and Criminal Justice Interim Committee and the Judiciary Interim Committee during the November 2000 and May 2001 meetings that includes:

(a) the detailed progress of the establishment and implementation of the Drug Board Pilot

Project in Davis and Weber counties;

(b) the tracking and recording of each drug board participant's progress to determine the feasibility of taking the drug board program statewide; and

(c) an account of the expenditure of funds for the Drug Board Pilot Project.