

Senator Lyle W. Hillyard proposes the following substitute bill:

DRUG COURTS PILOT PROJECT

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill allows for the creation of drug courts in any judicial district, and the creation of a Drug Board Pilot Project in Davis and Weber counties for intensive substance abuse treatment. This bill sets out participant screening criteria, and requires participation by the Board of Pardons and Parole.

Highlighted Provisions:

This bill:

- ▶ allows any judicial district to create a drug court; and
- ▶ allows creation of a pilot drug board to oversee intensive substance abuse treatment for parolees under conditions set out by the Board of Pardons and Parole and the

Department of Corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78-3-32, Utah Code Annotated 1953

78-3-33, Utah Code Annotated 1953



26 **Uncodified Material Affected:**

27 REPEALS UNCODIFIED MATERIAL:

28 **Uncodified Section 1, Chapter 337, Laws of Utah 2000**

29 **Uncodified Section 2, Chapter 337, Laws of Utah 2000**

30

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

32 Section 1. Section **78-3-32** is enacted to read:

33 **78-3-32. Creation and expansion of existing drug court programs -- Definition of**
34 **drug court program -- Criteria for participation in drug court programs -- Reporting**
35 **requirements.**

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

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

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

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

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

44 and

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

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

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

48 (iii) state court administrator.

49 (3) Funds disbursed to a drug court program shall be allocated as follows:

50 (a) 87% to the Department of Human Services for testing, treatment, and case
51 management; and

52 (b) 13% to the Administrative Office of the Courts for increased judicial and court
53 support costs.

54 (4) A drug court program shall include continuous judicial supervision using a
55 cooperative approach with prosecutors, defense counsel, corrections, substance abuse treatment
56 services, juvenile court probation, and the Division of Child and Family Services as appropriate

57 to promote public safety, protect participants' due process rights, and integrate substance abuse
58 treatment with justice system case processing.

59 (5) Screening criteria for participation in a drug court program shall include:

60 (a) a plea to, conviction of, or adjudication for a nonviolent drug offense or

61 drug-related offense;

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

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

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

65 requirements.

66 Section 2. Section **78-3-33** is enacted to read:

67 **78-3-33. Creation of Drug Board Pilot Project -- Definition of Drug Board Pilot**

68 **Project -- Criteria for parolee participation in the Drug Board Pilot Project -- Reporting**

69 **requirements.**

70 (1) There may be created a Drug Board Pilot Project in Davis and Weber counties that

71 includes intensive substance abuse treatment, frequent drug testing, and other additional

72 conditions of parole, with the expectation that the offender will be required to complete the

73 substance abuse treatment, remain drug free, and meet all other conditions of parole.

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

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

76 Corrections; and

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

78 Section 3. **Repealer.**

79 This bill repeals:

80 **Uncodified Section 1, Chapter 337, Laws of Utah 2000**

81 **Uncodified Section 2, Chapter 337, Laws of Utah 2000**

Fiscal Note
Bill Number SB0135s01

Drug Courts Pilot Project

07-Feb-05

5:04 PM

State Impact

No fiscal impact, as this legislation codifies previously passed uncodified language.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst