

DRUG COURTS PILOT PROJECT

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Scott L Wyatt

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

Uncodified Material Affected:

REPEALS UNCODIFIED MATERIAL:

Uncodified Section 1, Chapter 337, Laws of Utah 2000

Uncodified Section 2, Chapter 337, Laws of Utah 2000

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

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

78-3-32. 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) Funds disbursed to a drug court program shall be allocated as follows:

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

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

(b) This provision does not apply to Federal Block Grant funds.

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

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

(5) Screening criteria for participation in a drug court program shall 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.

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

78-3-33. 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.

Section 3. **Repealer.**

This bill repeals:

Uncodified Section 1, Chapter 337, Laws of Utah 2000

Uncodified Section 2, Chapter 337, Laws of Utah 2000