

**DRUG COURTS PILOT PROJECT**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Lyle W. Hillyard**

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**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 Davis and Weber counties to create 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

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



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

29 **78-3-32. Creation and expansion of existing drug court programs -- Definition of**  
30 **drug court program -- Criteria for participation in drug court programs -- Reporting**  
31 **requirements.**

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

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

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

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

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

40 and

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

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

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

44 (iii) state court administrator.

45 (3) Funds disbursed pursuant to this section shall be allocated as follows:

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

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

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

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

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

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

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

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

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

62           **78-3-33. Creation of Drug Board Pilot Project -- Definition of Drug Board Pilot**  
63 **Project -- Criteria for parolee participation in the Drug Board Pilot Project -- Reporting**  
64 **requirements.**

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

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

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

71 Corrections; and

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

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**Legislative Review Note**

**as of 1-12-05 3:42 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0135**

**Drug Courts Pilot Project**

*26-Jan-05*

*9:34 AM*

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**State Impact**

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

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**