

1 **DRUG OFFENDER REFORM ACT AMENDMENTS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Sheldon L. Killpack**

5 House Sponsor: Bradley G. Last

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7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the assessment provisions of the Drug Offender Reform Pilot Study.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ amends the Drug Offender Reform Pilot Study to require screening and assessment  
13 for all felony offenders within the jurisdiction of the pilot project, rather than only  
14 those felony offenders convicted of a violation of the Controlled Substance Act.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **63-25a-205.5**, as enacted by Chapter 14, Laws of Utah 2005, First Special Session

22 **77-18-1.1**, as enacted by Chapter 14, Laws of Utah 2005, First Special Session

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

25 Section 1. Section **63-25a-205.5** is amended to read:

26 **63-25a-205.5. Drug Offender Reform Pilot Study -- Creation.**

27 (1) As used in this section:



28 (a) "Council" means the Utah Substance Abuse and Anti-Violence Coordinating  
29 Council.

30 (b) "Drug Offender Reform Pilot Study" and "study" mean the screening, assessment,  
31 and substance abuse treatment provided to convicted offenders as part of a study described in  
32 this section and conducted as described in Section 77-18-1.1 in the courts of the Third Judicial  
33 District located in Salt Lake County.

34 (c) "Substance abuse authority" means the Salt Lake County substance abuse authority  
35 operating within the Third Judicial District.

36 (2) There is established a Drug Offender Reform Pilot Study in the courts of the Third  
37 Judicial District located in Salt Lake County.

38 (a) The study shall operate on and after July 1, 2005, through June 30, 2008, subject to  
39 legislative funding.

40 (i) The study shall conduct screening under Subsection 77-18-1.1(2)(a) through June  
41 30, 2007, and shall conduct assessments and substance abuse treatment based on this screening  
42 under Subsections 77-18-1.1(2)(b) and (c).

43 (ii) The assessments and treatment based on screening conducted on and before June  
44 30, 2007, shall be conducted by the study through June 30, 2008, the final date of the study.

45 (b) The study shall provide screening and assessment under Section 77-18-1.1 to  
46 offenders convicted in the courts of the Third Judicial District in Salt Lake County of a felony  
47 offense [~~in violation of Title 58, Chapter 37, Utah Controlled Substances Act~~].

48 (c) The study shall provide substance abuse treatment under Section 77-18-1.1 to a  
49 maximum of 250 offenders convicted under Subsection (2)(b) and who are sentenced to  
50 probation in Salt Lake County if:

51 (i) the assessment indicates treatment is appropriate; and

52 (ii) the court finds treatment to be appropriate for the offender.

53 (3) The council shall provide ongoing oversight of the implementation and functions of  
54 the study.

55 (4) The council shall develop an implementation plan for the study, which shall:

56 (a) include guidelines on how funds appropriated for the study should be used;

57 (b) include guidelines on the membership of the Salt Lake County planning group  
58 under Subsection (5); and

59 (c) require that treatment plans under the study are appropriate for criminal offenders.

60 (5) (a) The Salt Lake County substance abuse authority located within the Third  
61 Judicial District shall establish a local planning group to develop and submit a plan to the  
62 council detailing the intended use of the study funds. The uses shall be in accordance with the  
63 guidelines established by the council under Subsection (4).

64 (b) Upon approval of the plan by the council, the Department of Human Services shall  
65 allocate the funds to the substance abuse authority.

66 (c) The substance abuse authority shall submit to the Department of Human Services  
67 and the council, on or before October 1 of each year, reports detailing use of the funds and the  
68 impact and results of the use of the funds.

69 (6) The council shall evaluate the progress of the study and shall provide a written  
70 report to the Law Enforcement and Criminal Justice Interim Committee and the Health and  
71 Human Services Interim Committee annually on or before November 1, and shall provide to  
72 these interim committees a final written report on the impact and results of the study on or  
73 before November 1, 2008.

74 Section 2. Section **77-18-1.1** is amended to read:

75 **77-18-1.1. Screening, assessment, and treatment.**

76 (1) As used in this section:

77 (a) "Assessment" has the same meaning as in Section 41-6a-501.

78 (b) "Convicted" means:

79 (i) a conviction by entry of a plea of guilty or nolo contendere, guilty and mentally ill,  
80 or no contest; and

81 (ii) conviction of any crime or offense.

82 (c) "Screening" has the same meaning as in Section 41-6a-501.

83 (d) "Substance abuse treatment" means treatment obtained through a substance abuse  
84 program that is licensed by the Office of Licensing within the Department of Human Services.

85 (2) On and after July 1, 2005, through June 30, 2007, the courts of the Third Judicial  
86 District located in Salt Lake County:

87 (a) shall order every offender convicted of a felony offense [~~under Title 58, Chapter 37,~~  
88 ~~Utah Controlled Substances Act,~~] to participate in a screening prior to sentencing;

89 (b) may order offenders screened under Subsection (2)(a) to participate in an

90 assessment prior to sentencing if the screening indicates an assessment to be appropriate; and

91 (c) shall order a maximum of 250 offenders assessed under Subsection (2)(b) and  
92 sentenced to probation in Salt Lake County to participate in substance abuse treatment if:

93 (i) the assessment indicates treatment is appropriate; and

94 (ii) the court finds treatment to be appropriate for the offender.

95 (3) The findings from any screening and any assessment conducted under this section  
96 shall be part of the presentence investigation report submitted to the court prior to sentencing  
97 of the offender.

98 (4) Monies appropriated by the Legislature to assist in the funding of the screening,  
99 assessment, and substance abuse treatment provided under this section are not subject to any  
100 requirement regarding matching funds from a state or local governmental entity.

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**Legislative Review Note**

**as of 1-26-06 9:22 AM**

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 SB0185**

**Drug Offender Reform Act Amendments**

*31-Jan-06*

*5:14 PM*

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**State Impact**

No Fiscal Impact.

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**Individual and Business Impact**

No Fiscal Impact.

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**Office of the Legislative Fiscal Analyst**