

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 213
3 entitled “An act relating to establishing statewide access to drug and DUI
4 treatment courts” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. LEGISLATIVE FINDINGS

8 The General Assembly finds that:

9 (1) Alcohol is the most commonly abused addictive drug.

10 (2) More than one-half of the motor vehicle operators in Vermont
11 involved in fatal crashes in 2016 had an impairing substance in their system.

12 (3) Every year, nearly 3,000 separate cases of drug- or alcohol-impaired
13 driving are filed in Vermont, and nearly one-third of all DUI charges filed are
14 against repeat offenders.

15 (4) Impaired drivers with high blood alcohol content and repeat offense
16 impaired drivers are disproportionately involved in fatal crashes.

17 (5) According to a 2010 report from the National Highway Traffic
18 Safety Association, the economic impact nationally of alcohol-impaired
19 crashes is \$49 billion.

20 (6) It costs roughly \$50,000.00 per year to incarcerate an offender in
21 Vermont.

1 (7) With a near daily barrage of news about drug crime, arrests,
2 prosecutions, convictions, and sentencing, we see there is little evidence that
3 the traditional response is making any positive change in the lives of the
4 substance abusing population.

5 (8) According to the National Institute of Justice, treatment courts save
6 between \$3,000.00 and \$13,000.00 per individual participant as compared to
7 the traditional criminal justice approach. These savings are largely achieved
8 through fewer subsequent arrests and a lower recidivism rate.

9 (9) Treatment courts are intensive, judicially led programs, designed to
10 address addiction and criminal thinking by high-risk, high-needs individuals.

11 (10) Treatment courts provide frequent and random drug testing,
12 intensive probation supervision, close judicial monitoring, and swift sanctions
13 while also using incentives to motivate offenders.

14 (11) Judges who preside over treatment dockets develop enhanced
15 expertise in working with offenders with addictions and mental health issues,
16 expertise that extends to the rest of the docket.

17 (12) Trial judges in Vermont who have presided over treatment dockets
18 find the approach powerfully compelling and far more effective at altering
19 behavior in a positive fashion than the traditional court model.

1 (13) Treatment courts motivate users to remain in treatment. The
2 likelihood of recovery from a substance abuse disorder correlates positively
3 with the duration of time in treatment.

4 (14) Vermont has only one DUI Treatment Docket presently in Windsor
5 County. The DUI Treatment Docket is a variant of the adult treatment court
6 model.

7 (15) Treatment courts in Vermont have been funded primarily with
8 federal grant money. Expanding treatment dockets to all parts of the State will
9 require a capital investment by Vermont.

10 (16) Closing Windsor Prison is expected to save \$3.5 million per year.
11 Reallocating those savings to treatment courts would provide substantial
12 resources to support treatment courts throughout the State.

13 (17) Opiate-related crime and addiction-related family issues have
14 driven an increase in court cases that has overwhelmed Vermont's judicial
15 system in recent years. Research shows that treatment courts are proven
16 effective models for reducing instances of repeat offenses and for saving
17 overall criminal justice costs. Nationally, some treatment courts reduce
18 recidivism by up to 60 percent for graduates of the program as compared to
19 nonparticipants.

20 (18) The General Assembly intends this act to be a continuation of
21 justice reinvestment efforts initiated in 2007 by the Legislative, Judicial, and

1 Executive Branches, and continued with the enactment of 2014 Acts and
2 Resolves No. 195, a justice reinvestment effort instituting broad criminal
3 justice reforms designed to give courts more information about people charged
4 with crimes and more easily connect those people with substance abuse and
5 mental health services. Justice reinvestment is a data-driven approach to
6 improve public safety, reduce corrections and related criminal justice spending,
7 and reinvest savings in strategies that can decrease crime and strengthen
8 communities.

9 Sec. 2. 4 V.S.A. § 40 is added to read:

10 § 40. STATEWIDE ADULT TREATMENT COURTS

11 (a) Legislative intent. It is the intent of the General Assembly that
12 Vermonters throughout the State have access to an Adult Treatment Docket
13 within the Criminal Division of the Superior Court that operates in compliance
14 with Adult Drug Court Best Practice Standards as issued by the National
15 Association of Drug Court Professionals.

16 (b) Adult Treatment Courts Special Fund.

17 (1) The Adult Treatment Courts Special Fund is established pursuant to
18 32 V.S.A. chapter 7, subchapter 5 exclusively for the purpose of providing the
19 financial means for the Vermont Supreme Court to expand geographic access
20 to adult treatment courts across the State. The Commissioner of Health shall

1 administer the Fund to the extent funds are available to support Vermont's
2 adult treatment courts pursuant to this section. The Fund shall consist of:

3 (A) private gifts, bequests, grants, or donations of any amount made
4 to the State from any public or private source for the purposes for which the
5 Fund was established;

6 (B) net revenue from the surcharge imposed by 20 V.S.A.
7 § 2063a; and

8 (C) other funds as appropriated by the General Assembly.

9 (2) In consultation with the Attorney General, the Executive Director of
10 State's Attorneys and Sheriffs, the Defender General, the Commissioner of
11 Corrections, and the Commissioner of Mental Health, the Chief Justice of the
12 Vermont Supreme Court may submit requests for disbursements from the Fund
13 to the Commissioner of Health solely for the purpose of supporting the
14 expansion of treatment court dockets.

15 Sec. 3. ADULT TREATMENT COURTS; REPORT TO HOUSE AND

16 SENATE COMMITTEES ON JUDICIARY

17 Pursuant to 4 V.S.A. § 40, it is the intent of the General Assembly that adult
18 treatment court programs are available to Vermonters statewide and operating
19 in compliance with national best practice standards and policy standards for
20 adult treatment courts developed by the Vermont Supreme Court. On or before
21 January 15, 2019, the Commissioner of Health and the Chief Justice of the

1 Vermont Supreme Court shall report to the House and Senate Committees on
2 Judiciary on the progress toward achieving this goal, including a summary of
3 the funds disbursed, the number of counties operating an adult treatment court
4 program, and data about those operating programs, including the program
5 model and level of compliance with national best practice and policy
6 standards.

7 Sec. 4. SUPREME COURT OF VERMONT; RECOMMENDATIONS FOR
8 STATEWIDE ROLLOUT; STANDARDS FOR ADULT
9 TREATMENT COURTS

10 (a) On or before September 1, 2017, the Supreme Court of Vermont shall
11 submit to the Joint Legislative Justice Oversight Committee a recommended
12 plan to achieve statewide access to adult treatment courts within five years,
13 including setting forth a rollout schedule and recommendations for maintaining
14 statewide oversight to ensure each program operates in compliance with
15 national best practice standards.

16 (b) On or before January 15, 2018, the Supreme Court of Vermont shall
17 develop policy standards by which adult treatment courts in Vermont shall
18 operate and report on those standards to the House and Senate Committees on
19 Judiciary.

1 Sec. 5. 20 V.S.A. § 2063a is added to read:

2 § 2063a. ADULT TREATMENT COURTS SPECIAL FUND:

3 SURCHARGE

4 In addition to the fee imposed by the Vermont Crime Information Center
5 pursuant to section 2063 of this title, the Center shall levy an additional
6 surcharge of \$20.00 for each request for a criminal history record as defined in
7 section 2056a of this title or for a criminal conviction record as defined in
8 section 5056c of this title. The surcharge proceeds shall be deposited in the
9 Adult Treatment Courts Special Fund, established pursuant to 4 V.S.A.
10 § 40(b), in support of adult treatment courts throughout the State.

11 Sec. 6. MOBILE ADULT TREATMENT COURT PILOT PROGRAM

12 (a) Establishment. A pilot project creating a mobile adult treatment court
13 program is established for the purpose of providing access to a treatment court
14 docket in multiple counties across the State.

15 (b) Program Composition. The program shall be implemented by a Judicial
16 Master operating at 50% FTE, and a representative of:

17 (1) the Office of the Attorney General;

18 (2) the Executive Director of State's Attorneys and Sheriffs;

19 (3) the Defender General;

20 (4) the Commissioner of Corrections;

21 (5) the Commissioner of Mental Health; and

1 (6) a community mental health agency or a substance abuse treatment
2 provider.

3 (c) Consultation with Treatment Organizations. The pilot program shall
4 consult with and utilize local community mental health centers, substance
5 abuse treatment provider organizations, and any other appropriate service
6 providers to coordinate services in locations served by the mobile treatment
7 court program.

8 (d) Report. On or before January 15, 2018, the Chief Superior Judge shall
9 report to the House and Senate Committees on Judiciary on the progress and
10 outcomes of the pilot project.

11 **Sec. 7. 2016 Acts and Resolves No. 167 Sec. 2 is amended to read:**

12 Sec. 2. REPEAL

13 4 V.S.A. § 38 (Judicial Masters) shall be repealed on July 1, ~~2019~~ 2021.

14 **Sec. 8. REPEAL**

15 Sec. 6 of this Act, Mobile Adult Treatment Court Pilot Program, shall be
16 repealed on July 1, 2021.

17 Sec. 9. EFFECTIVE DATE

18 This act shall take effect on passage.

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21 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE