

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

17 (17) The General Assembly intends this act to be a continuation of
18 justice reinvestment efforts initiated in 2007 by the Legislative, Judicial, and
19 Executive Branches, and continued with the enactment of 2014 Acts and
20 Resolves No. 195, a justice reinvestment effort instituting broad criminal
21 justice reforms designed to give courts more information about people charged

1 with crimes and more easily connect those people with substance abuse and
2 mental health services. Justice reinvestment is a data-driven approach to
3 improve public safety, reduce corrections and related criminal justice spending,
4 and reinvest savings in strategies that can decrease crime and strengthen
5 communities.

6 (18) The opiate addiction crisis facing Vermont has burdened the State's
7 child protection system and resulted in a dramatic surge of Child in Need of
8 Supervision (CHINS) petitions filed in the Family Division of Superior Court,
9 overwhelming the CHINS docket and court staff.

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

11 § 40. STATEWIDE ADULT TREATMENT COURTS; INTENT

12 It is the intent of the General Assembly that Vermonters throughout the
13 State have access to Adult Treatment Dockets within the Superior Court that
14 operate in compliance with Adult Drug Court Best Practice Standards as issued
15 by the National Association of Drug Court Professionals.

16 Sec. 3. SUPREME COURT OF VERMONT; RECOMMENDATIONS FOR
17 STATEWIDE ROLLOUT; STANDARDS FOR ADULT
18 TREATMENT COURTS

19 (a) On or before September 1, 2017, the Supreme Court of Vermont shall
20 submit to the Joint Legislative Justice Oversight Committee a recommended
21 plan to achieve statewide access to adult treatment courts within five years,

1 including setting forth a rollout schedule and recommendations for maintaining
2 statewide oversight to ensure each program operates in compliance with
3 national best practice standards.

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

8 Sec. 4. 2016 Acts and Resolves No. 167 Sec. 2 is amended to read:

9 Sec. 2. REPEAL

10 4 V.S.A. § 38 (Judicial Masters) shall be repealed on July 1, ~~2019~~ 2021.

11 Sec. 5. EFFECTIVE DATE

12 This act shall take effect on passage.

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16 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE