

1 Introduced by Representative Grad of Moretown
2 Referred to Committee on
3 Date:
4 Subject: Judiciary; Drug and DUI Treatment Courts Special Fund
5 Statement of purpose of bill as introduced: This bill proposes to establish
6 statewide access to drug and DUI treatment courts programs operating in
7 compliance with national best practice standards by 2022 by: (1) finding that
8 national data reveal drug and DUI court programs deliver a high return on
9 investment and currently there is only one DUI Treatment Docket operating in
10 the State; (2) creating the Drug and DUI Treatment Courts Grants Board to
11 assist counties in establishing treatment court programs compliant with best
12 practice standards and to administer grant monies in support of these programs
13 across the State; (3) directing the Chief Administrative Judge to recommend a
14 rollout schedule for providing statewide access to treatment court programs
15 within the next five years; (4) requiring joint reporting by the Drug and DUI
16 Treatment Courts Grants Board and the County Drug Court Coordinator on the
17 rollout of the treatment courts in 2019; (5) establishing the Drug and DUI
18 Treatment Courts Special Fund; and (6) imposing a surcharge on the cost of
19 obtaining a criminal history or conviction record to assist in funding statewide
20 access to drug and DUI treatment courts.

1 An act relating to establishing statewide access to drug and DUI treatment
2 courts

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. LEGISLATIVE FINDINGS

5 The General Assembly finds that:

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

7 (2) More than one-half of the motor vehicle operators in Vermont

8 involved in fatal crashes in 2016 had an impairing substance in their system.

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

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

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

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

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

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

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

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

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

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

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

19 (14) Vermont has only one DUI Treatment Docket presently in Windsor
20 County. The DUI Treatment Docket is a variant of the drug and DUI court
21 model.

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

4 (16) Closing Windsor Prison is expected to save \$3.5 million per year.
5 Reallocating those savings to treatment courts would provide adequate
6 resources to support treatment courts throughout the State.

7 (17) Opiate-related crime has overwhelmed Vermont’s judicial system
8 in recent years. Research shows that treatment courts are proven effective
9 models for reducing instances of repeat offenses and for saving overall
10 criminal justice costs. Nationally, some treatment courts reduce recidivism by
11 up to 60 percent for graduates of the program as compared to nonparticipants.

12 (18) The General Assembly intends this act to be a continuation of
13 justice reinvestment efforts initiated in 2007 by the Legislative, Judicial, and
14 Executive Branches, and continued with the enactment of 2014 Acts and
15 Resolves No. 195, a justice reinvestment effort instituting broad criminal
16 justice reforms designed to give courts more information about people charged
17 with crimes and more easily connect those people with substance abuse and
18 mental health services. Justice reinvestment is a data-driven approach to
19 improve public safety, reduce corrections and related criminal justice spending,
20 and reinvest savings in strategies that can decrease crime and strengthen
21 communities.

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

2 § 40. STATEWIDE DRUG AND DUI TREATMENT COURTS

3 (a) Legislative intent. It is the intent of the General Assembly that each
4 county in Vermont have access to a Drug and DUI Treatment Docket within
5 the Criminal Division of the Superior Court that operates in compliance with
6 Adult Drug Court Best Practice Standards as issued by the National
7 Association of Drug Court Professionals. It shall be the mission of the Drug
8 and DUI Treatment Courts Grants Board to support applicants in the design,
9 development, and funding of drug and DUI treatment court programs across
10 the State dedicated to decreasing crime and criminal-justice-related spending,
11 strengthening communities, and improving public safety by addressing the
12 underlying causes of crime.

13 (b) Drug and DUI Treatment Courts Grants Board.

14 (1) The Drug and DUI Treatment Courts Grants Board is created, which
15 shall comprise the Attorney General, the Executive Director of State's
16 Attorneys and Sheriffs, the Defender General, the Commissioner of
17 Corrections or designee, and the Commissioner of Mental Health or designee.

18 (2) The Board shall be charged with awarding grants pursuant to
19 subdivision (4) of this subsection and seeking public- and private-sector
20 funding partners, including soliciting proposals for contractual relationships

1 between a public entity and one or more private entities for the purpose of
2 achieving statewide access to drug and DUI treatment court programs.

3 (3) On behalf of each territorial unit of the Superior Court, a group
4 comprising the following entities may apply to the Drug and DUI Treatment
5 Court Grants Board for a grant or grants:

6 (A) the State’s Attorney or Attorney General;

7 (B) the Public Defender’s Office or Public Defense Contractor;

8 (C) the Court Administrator’s Office; and

9 (D) a community mental health agency or a substance abuse
10 treatment provider.

11 (4) The Board may issue a grant or grants to cover the costs of salaries
12 and employee benefits to be expended during a given year for the performance
13 of court duties as well as court operating costs. Grants under this section shall
14 be approved by a majority of the entire Board. Preference shall be given to
15 grant applications that promote policies and practices that are consistent across
16 the State, including policies that:

17 (A) create a “mobile team model” comprising a judge or a specially
18 assigned hearing officer and a program coordinator that travels on a regular
19 basis to each county of the State, partners with local counsel and substance
20 abuse treatment providers, and provides the treatment court docket to those
21 locations;

1 (B) promote the coordinated effort of the Judiciary, prosecution,
2 defense bar, probation, law enforcement, and mental health and substance
3 abuse treatment providers;

4 (C) serve high-risk individuals who without a long-term intensive
5 intervention are likely to continue to engage in criminal behavior; and

6 (D) are consistent with National Association of Drug Court
7 Professionals Adult Drug Court Best Practice Standards and standards for
8 Drug and DUI Treatment Courts as established by the Chief Administrative
9 Judge.

10 (c) Drug and DUI Treatment Courts Special Fund. The Drug and DUI
11 Treatment Courts Special Fund is established, to be managed in accordance
12 with 32 V.S.A. chapter 7, subchapter 5, to be available to the Drug and DUI
13 Treatment Court Grants Board for budgeted grants to support Vermont’s drug
14 and DUI treatment courts pursuant to this section. The Fund shall consist of:

15 (1) private gifts, bequests, grants, or donations of any amount made to
16 the State from any public or private source for the purposes for which the Fund
17 was established;

18 (2) net revenue from the surcharge imposed by 20 V.S.A. § 2063a; and

19 (3) other funds as appropriated by the General Assembly.

1 Sec. 3. DRUG AND DUI TREATMENT COURTS; FISCAL YEAR 2022

2 APPROPRIATIONS

3 Pursuant to 4 V.S.A. § 40, it is the intent of the General Assembly that drug
4 and DUI treatment court programs are available to Vermonters statewide and
5 operating in compliance with national best practice standards and policy
6 standards for drug and DUI treatment courts developed by the Chief
7 Administrative Judge. On or before January 15, 2019, the Drug and DUI
8 Treatment Courts Grants Board, together with the County Drug Court
9 Coordinator, shall report to the House and Senate Committees on Judiciary on
10 the progress toward achieving this goal, including a summary of the grant
11 applications received, a summary of the grants awarded, the number of
12 counties operating a drug and DUI treatment court program and data about
13 those operating programs, including the program model and level of
14 compliance with national best practice and policy standards as encouraged by
15 4 V.S.A. § 40(b)(3)(D). If each county of the State does not have access to a
16 drug and DUI treatment court on or before January 15, 2021, 15 percent of the
17 fiscal year 2022 General Fund appropriations designated to the Court
18 Administrator’s Office, the Office of the Attorney General, the Department of
19 State’s Attorneys and Sheriffs, the Office of the Defender General, and the
20 Agency of Human Services shall be appropriated by the General Assembly to

1 the Drug and DUI Treatment Courts Special Fund pursuant to 20 V.S.A.
2 § 2063a.

3 Sec. 4. CHIEF ADMINISTRATIVE JUDGE; RECOMMENDATIONS FOR
4 STATEWIDE ROLLOUT; STANDARDS FOR DRUG AND DUI
5 TREATMENT COURTS

6 (a) On or before September 1, 2017, the Chief Administrative Judge shall
7 submit to the Joint Legislative Justice Oversight Committee a recommended
8 plan to achieve statewide access to drug and DUI treatment courts within five
9 years, including setting forth a rollout schedule and recommendations for
10 maintaining statewide oversight to ensure each program operates in
11 compliance with national best practice standards.

12 (b) On or before January 15, 2018, the Chief Administrative Judge shall
13 develop policy standards by which drug and DUI treatment courts in Vermont
14 shall operate and report on those standards to the House and Senate
15 Committees on Judiciary.

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

17 § 2063a. DRUG AND DUI TREATMENT COURTS SPECIAL FUND;

18 SURCHARGE

19 In addition to the fee imposed by the Vermont Crime Information Center
20 pursuant to section 2063 of this title, the Center shall levy an additional
21 surcharge of \$70.00 for each request for a criminal history record as defined in

1 section 2056a of this title or for a criminal conviction record as defined in
2 section 5056c of this title. The surcharge proceeds shall be deposited in the
3 Drug and DUI Treatment Courts Special Fund, established pursuant to
4 4 V.S.A. § 40(c), in support of drug and DUI treatment courts throughout the
5 State.

6 Sec. 6. EFFECTIVE DATE

7 This act shall take effect on passage.