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H.213

Introduced by Representatives Grad of Moretown, Haas of Rochester, and  
Viens of Newport City

Referred to Committee on

Date:

Subject: Judiciary; Drug and DUI Treatment Courts Special Fund

Statement of purpose of bill as introduced: This bill proposes to establish statewide access to drug and DUI treatment courts programs operating in compliance with national best practice standards by 2022 by: (1) finding that national data reveal drug and DUI court programs deliver a high return on investment and currently there is only one DUI Treatment Docket operating in the State; (2) creating the Drug and DUI Treatment Courts Grants Board to assist counties in establishing treatment court programs compliant with best practice standards and to administer grant monies in support of these programs across the State; (3) directing the Chief Administrative Judge to recommend a rollout schedule for providing statewide access to treatment court programs within the next five years; (4) requiring joint reporting by the Drug and DUI Treatment Courts Grants Board and the County Drug Court Coordinator on the rollout of the treatment courts in 2019; (5) establishing the Drug and DUI Treatment Courts Special Fund; and (6) imposing a surcharge on the cost of

1 obtaining a criminal history or conviction record to assist in funding statewide  
2 access to drug and DUI treatment courts.

3 An act relating to establishing statewide access to drug and DUI treatment  
4 courts

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

6 Sec. 1. LEGISLATIVE FINDINGS

7 The General Assembly finds that:

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

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

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

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

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

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

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

5           (8) According to the National Institute of Justice, drug 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 drug and DUI 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 adequate  
12           resources to support treatment courts throughout the State.

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

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

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

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

8 § 40. STATEWIDE DRUG AND DUI TREATMENT COURTS

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

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

20 (1) The Drug and DUI Treatment Courts Grants Board is created, which  
21 shall comprise the Attorney General, the Executive Director of State's

1 Attorneys and Sheriffs, the Defender General, the Commissioner of  
2 Corrections or designee, and the Commissioner of Mental Health or designee.

3 (2) The Board shall be charged with awarding grants pursuant to  
4 subdivision (4) of this subsection and seeking public- and private-sector  
5 funding partners, including soliciting proposals for contractual relationships  
6 between a public entity and one or more private entities for the purpose of  
7 achieving statewide access to drug and DUI treatment court programs.

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

11 (A) the State's Attorney or Attorney General;

12 (B) the Public Defender's Office or Public Defense Contractor;

13 (C) the Court Administrator's Office; and

14 (D) a community mental health agency or a substance abuse  
15 treatment provider.

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

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

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

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

11          (D) are consistent with National Association of Drug Court  
12          Professionals Adult Drug Court Best Practice Standards and standards for  
13          Drug and DUI Treatment Courts as established by the Chief Administrative  
14          Judge.

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

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

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

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

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

7                           APPROPRIATIONS

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



1 fiscal year 2022 General Fund appropriations designated to the Court  
2 Administrator's Office, the Office of the Attorney General, the Department of  
3 State's Attorneys and Sheriffs, the Office of the Defender General, and the  
4 Agency of Human Services shall be appropriated by the General Assembly to  
5 the Drug and DUI Treatment Courts Special Fund pursuant to 20 V.S.A.  
6 § 2063a.

7 Sec. 4. CHIEF ADMINISTRATIVE JUDGE; RECOMMENDATIONS FOR  
8 STATEWIDE ROLLOUT; STANDARDS FOR DRUG AND DUI  
9 TREATMENT COURTS

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

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

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

2 § 2063a. DRUG AND DUI 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 \$70.00 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 Drug and DUI Treatment Courts Special Fund, established pursuant to  
10 4 V.S.A. § 40(c), in support of drug and DUI treatment courts throughout the  
11 State.

12 Sec. 6. EFFECTIVE DATE

13 This act shall take effect on passage.