

Committee on Judiciary

HB 7025 — OGSR/Treatment-based Drug Court Programs

by Oversight, Transparency and Public Management Subcommittee; and Rep. LaMarca (SB 7010 by Judiciary Committee)

This bill saves from repeal a public records exemption for health-related records, reports, and evaluations concerning applicants to or participants in treatment-based drug court programs.

Treatment-based drug court programs are problem-solving courts aimed at addressing one of the causes of criminal behavior and domestic violence: substance abuse and addiction. Generally, drug court programs identify individuals in either the criminal justice or dependency system who may benefit from substance abuse treatment. Those individuals may either be diverted to a substance abuse treatment center shortly after entering the justice system, or may be required to complete treatment later, as a condition of probation/community control or a dependency case plan. To help these individuals successfully complete treatment, drug courts provide incentives (such as reduced penalties) and support to the individual to help him or her succeed. In sum, by providing substance abuse treatment, drug court programs aim to reduce criminal recidivism and domestic violence by addressing one of the underlying causes of such behavior.

In order for a drug court program to either determine an applicant's eligibility or monitor a participant's progress in the program, a treatment provider must share the individual's health-related information with the judge and other relevant parties on the participant's drug court multidisciplinary team (such as the prosecutor or other agency attorney, a case worker, the drug court administrator, and so forth). Because an individual's health information becomes part of the court's record, in 2014, the Legislature enacted a public records exemption for the sensitive, health-related information that the drug court program applicants and participants must share with the drug court. The public records exemption makes the following health-related records, reports, and evaluations both confidential and exempt from inspection and copying by the public:

- Records relating to initial screenings for participation in the program.
- Records relating to substance abuse screenings.
- Behavioral health evaluations.
- Subsequent treatment status reports.

Under the Open Government Sunset Review Act, this public records exemption was set to automatically repeal on October 2, 2019. The law removes the scheduled repeal date to continue this public records exemption and protect the sensitive, health-related information of those seeking help through the drug court programs.

If approved by the Governor, these provisions take effect October 1, 2019.

Vote: Senate 38-0; House 114-0