

## Committee on Judiciary

### **SB 508 — Problem-solving Courts**

by Senator Rouson

The bill revises three statutes that govern admission to, and participation in, the state’s “problem-solving courts.” The problem-solving courts are pre-trial intervention court programs that afford a defendant the opportunity to participate in getting the help he or she needs and avoid a criminal conviction. This bill expands eligibility for pretrial intervention programs, creates consistency within the criteria of the programs, and revises data reporting requirements for the programs.

#### ***Treatment-based Drug Court Programs***

The eligibility requirements for treatment-based drug court programs are revised to afford more people the opportunity to participate. Under existing law, a defendant may be denied an opportunity to be admitted into the program if he or she previously rejected the opportunity to do so before trial. Under the bill, people who have previously rejected opportunities to participate are no longer subject to being barred from participation for that reason.

The bill also removes the responsibility of managing the collection of data from the judicial circuits and places the responsibility on the treatment-based drug court program. In addition, each program is now required to annually report the programmatic information and the aggregate data regarding the number of admissions and terminations, by type of termination, to the Office of the State Courts Administrator.

#### ***Pretrial Intervention Program for Felony Offenses***

Currently, the substance abuse education and treatment intervention program requires a defendant to remain in the program for a period “of not less than 1 year.” The bill, however, gives courts the discretion to determine how long a defendant, based upon his or her clinical needs, must remain in a program.

The bill expands the eligibility criteria for a defendant to be admitted to a substance abuse education and treatment intervention program by no longer barring persons who were previously charged with a crime of violence. As revised, a defendant is excluded from participating only if he or she is currently charged with a crime of violence. By making this change, the statute becomes consistent with eligibility requirements contained in other problem-solving court statutes.

The bill expands the eligibility criteria for a defendant to be admitted to a pretrial mental health court program by no longer barring persons convicted of a felony. The language would also be consistent with the criteria for entering a pretrial treatment-based drug court program.

#### ***Misdemeanor Pretrial Substance Abuse Education and Treatment Intervention Programs***

The bill expands who may be eligible for a misdemeanor pretrial substance abuse education and treatment intervention program. By eliminating the qualifying offenses currently listed in statute and opening the criteria to any person charged with a misdemeanor, but who has not previously been convicted of a felony, more people will be eligible to participate in the program. This would make the eligibility criteria consistent with the criteria for pretrial misdemeanor veterans programs and mental health programs.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

*Vote: Senate 39-0; House 116-0*