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FISCAL IMPACT STATEMENT

LS 6841

BILL NUMBER: SB 247

NOTE PREPARED: Jan 5, 2003

BILL AMENDED:

SUBJECT: Addiction Services and Drug Courts.

FIRST AUTHOR: Sen. Wyss

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- (A) It specifies that, under the law concerning addiction services, an alcohol and drug services program includes services for persons charged with or found to have committed infractions.
- (B) It allows a drug court to accept an eligible individual who is referred from or whose case is transferred from another court located in the same county as the drug court.
- (C) It removes an incorrect reference concerning adoption of rules in the law that allows the Indiana Judicial Center to adopt rules concerning drug courts.
- (D) It provides that, when a person referred to a drug court: (1) has the person's participation in the drug court terminated, the drug court must enter a judgment of conviction against the person or refer the case back to the originating court so that court may enter a judgment of conviction; and (2) fulfills the conditions established by the drug court, the drug court must dismiss the charges against the person or refer the case back to the originating court so that court may dismiss the charges.

Effective Date: Upon passage; July 1, 2002 (retroactive); July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Provision A:* Prior to 2002, court-sponsored substance abuse programs were available for persons charged or convicted of infractions and misdemeanors. P.L. 168-2002, which was enacted in the 2002 General Assembly, allowed counties to provide alcohol and drug program services only to a person charged with or convicted of a misdemeanor or felony. This bill restores a person's eligibility to

receive substance abuse services from court-sponsored programs if the person has been charged with an infraction.

Staff in the Indiana Judicial Center indicate that few counties were operating substance abuse programs specifically addressing persons charged with infractions associated with substance abuse. Programs providing services for persons charged with an infraction or for which an infraction was entered would be subject to certification by the Indiana Judicial Center.

Provisions B and D would allow courts that do not have drug court programs to refer offenders to other courts in the same county (as an example, drug courts operating in city courts in Lake and Johnson County but not in trial courts). This provision would permit these trial courts to refer offenders to these drug courts.

Background: The Indiana Judicial Center reports that in November 2002, drug courts were currently operating in the following counties.

Adult Courts With Operating Programs		
<u>County</u>	<u>Trial Court</u>	<u>City Court</u>
Allen	Allen Superior Court	
Clark	Clark Superior Court	
Dearborn/Ohio	Dearborn/Ohio Circuit Court	
Lake		East Chicago
Lake		Gary
Johnson		Greenwood
Madison	Madison County Court	
Marion	Marion Superior Court	
Monroe	Monroe Circuit Court	
Tippecanoe	Tippecanoe Superior Court	
Vanderburgh	Vanderburgh Superior Court	
Vigo	Vigo Superior Court	
Total	9	3

The following table shows the number of counties with drug courts in the planning stage.

Adult Drug Courts in Planning Stage	
<u>County</u>	<u>Trial Court</u>
Howard	Howard Superior Court
Warrick	Warrick Superior Court

As of November 2002, four counties had drug courts for juveniles with operating programs.

Juvenile Drug Courts With Operating Programs	
<u>County</u>	<u>Trial Court</u>
Elkhart	Elkhart Circuit Court
Lawrence	Lawrence Circuit Court
Marion	Marion Superior Court
Vigo	Vigo Superior Court

As of November 2002, two counties were also planning to develop juvenile drug courts.

Juvenile Drug Courts in Planning Stage	
<u>County</u>	<u>Trial Court</u>
Howard	Howard Circuit Court
Ripley	Ripley Circuit Court

Staff in the Indiana Judicial Center estimate that 700 adults and 175 juveniles are currently enrolled in drug court programs.

Explanation of Local Revenues: A trial court or a city or town court is authorized to charge no more than \$400 for participation in an alcohol and drug services program. This fee is deposited into a city or county user fee fund.

State Agencies Affected: Indiana Judicial Center.

Local Agencies Affected: Trial courts and city and town courts with drug court programs.

Information Sources: Indiana Judicial Center.

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