

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6841

BILL NUMBER: SB 247

NOTE PREPARED: Apr 30, 2003

BILL AMENDED: Mar 20, 2003

SUBJECT: Addiction Services and Drug Courts.

FIRST AUTHOR: Sen. Wyss

FIRST SPONSOR: Rep. Weinzapfel

BILL STATUS: Enrolled

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill has the following provisions:

(A) 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.

(B) It removes an incorrect reference concerning adoption of rules in the law that allows the Indiana Judicial Center to adopt rules concerning drug courts.

(C) 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.

(D) It requires the judge of a city or town court that is a drug court to be an attorney. It requires the judges of the Greenwood city court and the Martinsville city court to be attorneys.

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

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: *Provisions A and C* 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.

Provision D: Three city courts in Indiana have drug courts -- Gary, East Chicago, and Greenwood. The judges in any city or town court in Lake County are required by law to be an attorney. Currently, the judges of Greenwood City Court and Martinsville City Court are both attorneys.

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.

Fiscal Analyst: Mark Goodpaster, 317-232-9852